

# Law Enforcement News

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## Can traffic radar lead to cancer? Devices test OK, but few rule out long-term risk

By Jacob R. Clark

Tests conducted on traffic radar devices by state agencies and independent laboratories have found that the low-level microwave radiation emitted by the units is well within the accepted safety standard, but sources interviewed by Law Enforcement News, including scientific experts and an official of the one of the largest radar manufacturers, say too little is known about the long-term effects of exposure to such radiation to conclude that the devices pose no danger to users.

Law enforcement agencies — most, but not all, located in Florida — discontinued using the traffic radar units early this year out of concerns about the long-term health effects of low-level microwave emissions and electromagnetic fields generated by the devices. Many agencies have since resumed using radar after being assured that the emissions are within a standard formulated by the American National Standards Institute (ANSI). Other agencies, including the St. Petersburg, Fla., Police Department — the first department in the nation to take the extreme step of shelving the units entirely — are not convinced of the devices' safety, and until they are, radar will not be used by those departments. [See LEN, Feb. 14, 1991.]

[In early March, the Memphis, Tenn., Police Department became the latest agency to discontinue using radar when it impounded approximately 40 of its hand-held traffic radar guns until officials could receive more information on the

safety issue. Sgt. John Dwyer told LEN that the department would not resume using the radar guns until all are tested and the results ensure that the devices are safe.]

Their actions were spurred by reports that appeared in LEN last November, which suggested a connection between the radar units' electromagnetic and microwave radiation and the development of rare — sometimes fatal — cancers in law enforcement officers who used the devices on a long-term basis. The articles, written by Gary Poynter, an Ohio State trooper who has researched the issue for the past several years, said that the eye cancers, melanomas and lymphomas appearing in stricken officers often corresponded to parts of the body that are exposed to the radar antennas' beams. [See LEN, Nov. 15, 1990; Nov. 30, 1990.]

### Within Safety Limits, But...

After the St. Petersburg Police Department stopped using the radar units, Police Chief Ernest "Curt" Curtsinger ordered that the department's 15 hand-held models be submitted to the Florida Bureau of Industrial Safety for testing. Robert R. Pavlik, a senior industrial hygienist, performed the tests on two types of radar guns used by the St. Petersburg police — Kustom Signal's Falcon model and Decatur Electronics' Decatur N-Series — on March 5.

After testing the units at various positions inside a police cruiser using a device that measures micro-

wave radiation, Pavlik found that the radiation emission levels never exceeded the ANSI standard of 5 milliwatts per square centimeter over a six-minute exposure. The radar guns, which operated in the K-band frequency of 24 gigahertz, averaged emission levels of less than 0.1 milliwatts per square centimeter.

Pavlik also measured the power densities emitted by various types of antennas from the department's 800-megahertz communications equipment and found that these levels, while not exceeding the ANSI standard, were higher than those recorded from radar devices, with an average emission rate of 0.4 milliwatts per square centimeter.

Based on his tests, Pavlik wrote that "there is no requirement to ban the use of the radar guns" because they met standards on allowable exposure levels issued by the Occupational Safety and Health Administration, the American Conference of Governmental Industrial Hygienists and ANSI."

Pavlik's report did not stop there, however. Noting that the only enforceable exposure level is the OSHA standard of 10 milliwatts per square centimeter, he added: "The basis for establishing the allowable exposure levels in the microwave frequency range is primarily the thermal (heating) effects on the body. There is considerable controversy as to whether there are significant non-thermal effects such as cancer. Any potential carcinogenic effects of microwave radiation have appar-

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## Labor lawyer warns police agencies:

# "Get ready for disabilities act"

Police departments would be well advised to formulate job descriptions that define the essential functions of each and every position within their agencies to avoid litigation arising from any perceived failure to comply with the Americans with Disabilities Act (ADA), according to a lawyer who specializes in law enforcement labor practices.

"They've got to get those job descriptions that define the essential functions of the job together and in place before July 26, 1992. . . . If they don't do that they're leaving themselves defenseless or poorly defended, and they're missing a hell of an opportunity to define the turf on which these cases are going to be litigated," said David Snyder, an attorney for the Portland, Ore.-based Labor Relations Informa-

tion System (LRIS). The organization, which provides labor law information to police managers and unions, has been conducting seminars and is preparing a manual on the act's impact on policing.

It now appears that that impact will be substantial. On Feb. 28, the Equal Employment Opportunity Commission (EEOC) released the proposed regulations to be implemented under the ADA, which was signed into law last July. The wide-ranging act — applicable to

virtually all employers except the Federal Government — builds upon the Rehabilitation Act of 1973 to prohibit discrimination against qualified individuals with disabilities in all aspects of employment.

Several policing organizations, including the Police Executive Research Forum and the International Association of Chiefs of Police, are preparing written comments to EEOC outlining their concerns about provisions of the act, which will force law enforcement

agencies to reevaluate their entire employment process. The organizations have raised concerns about what they believe are several ambiguous provisions of the act, particularly those dealing with hiring rehabilitated drug users and with bans on certain medical and psychological exams.

Under the EEOC rules, individuals who have "successfully completed a supervised drug rehabilitation program and [are] no longer engaging in the

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## Baltimore county, city team up in drive against domestic violence

A wide-ranging agreement signed by Baltimore county and city officials last month is expected to aid victims of domestic violence by further coordinating the activities responding agencies, including social-service units, the city and county police departments, and other components of the criminal justice systems in both jurisdictions.

The agreement, signed Feb. 19 by Baltimore Mayor Kurt L. Schmoke, County Executive Roger B. Hayden, city Police Commissioner Edward V. Woods, county Police Chief Cornelius J. Behan, the city and county's state's attorneys, court judges, parole and probation officials, and victim advocates, is an effort to tighten "links in the chain" between agencies, particularly

in communications, said Karen Keyser, chairwoman of the Domestic Violence Coordinating Committee of the Criminal Justice Coordinator's Office, which helped forge the pact.

"The whole agenda behind [the agreement] was to protect the victim the best way we could by having there be communication between the different parts of the criminal justice system," she said. "I think the biggest barrier used to be communication, that when something went wrong people didn't know who to call. With the agreement, they have a contact person . . . and there's no problem getting information."

The agreement generally directs participating agencies to conduct rou-

tine training on domestic violence; share resources, including training materials; designate a contact person within each jurisdiction to exchange information about specific cases; prosecute domestic violence cases with the goal of ensuring the victim's safety; inform victims of available resources, legal services, counseling and legal remedies; and identify and track domestic violence cases.

Specifically, the Baltimore County and city police departments will consult with specialists in the field to ensure that training is relevant and up-to-date; develop and share a list of the top 50 repeat offenders in each jurisdiction; and designate a contact within

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## What They Are Saying:

**"The assumption that there is no increased disease risk is not warranted. It's not solidly based. It's false. It's wrong."**

— Andrew Marino, president of the International Society for Bioelectricity, on the possible link between cancer and long-term exposure to emissions from traffic radar devices. (9:1)



# Around the Nation

## Northeast

**DELAWARE** — State Police say six thieves have been nabbed trying to buy guns since a state law requiring background checks took effect Jan. 14. The state has approved gun sales to 956 of the 1,086 persons seeking weapons.

The conversion of the former Baltimore Trust bank into a headquarters for the Bridgeville Police Department begins this month and is expected to be complete by the end of summer. A storage room will be used as a holding cell, while the bank's old vault will be used for an evidence locker.

University of Delaware officials agreed to meet this month with black student leaders to discuss the students' complaints of harassment by campus police and other race-related issues.

**DISTRICT OF COLUMBIA** — The District is slated to receive \$1.9 million in Justice Department anti-drug grants this year — a figure represents a 5-percent increase over last year's award. The funds will be used to expand an automated criminal-history information system and implement a comprehensive homicide- and violence-prevention initiative.

**MAINE** — State officials said this month that 84 percent of the 166 people killed in passenger-vehicle crashes last year did not wear safety belts. Total traffic fatalities, including trucks and other vehicles, was 215, a figure lower than the five-year average.

**MASSACHUSETTS** — Lawrence officials will attempt to block a planned methadone clinic near a senior citizens' housing project because they say the clinic would lure heroin addicts to the city. Lawrence already has enough heroin addicts, officials say.

New state prisons Commissioner Thomas C. Rapone relieved Arthur Latessa of command of the Norfolk State Prison this month. It was Latessa who suggested a furlough for Willie Horton, a black convict who committed a rape after his release. President George Bush used the incident to lambast former Gov. Michael Dukakis, his Democratic opponent in the 1988 Presidential election, as soft on crime.

A jury in Cambridge rejected the defense of a woman who claimed that her multiple personalities were responsible for selling heroin. Norma Roman, 39, was convicted on March 11, despite her testimony during which she appeared to switch personalities. Prosecutors urged jurors to reject the "magic show."

**NEW HAMPSHIRE** — The state Legislature is considering a proposal to lower the legal definition of drunkenness from a blood-alcohol level of .10 to .08. Opponents say such a move will cut state revenues from alcohol sales and lower profits in restaurants.

**NEW JERSEY** — A suit filed by a Woodbridge police union charging that supervisors taped private conversations in the showers and cafeteria of the police station, as well as on the telephone,

from 1964 to 1988, got the go-ahead to proceed from a local judge last month. Former Police Chief Joseph Galassi has denied the allegations.

**NEW YORK** — A New York City police detective who was suspected of leaking confidential information to reputed organized crime boss John Gotti will be allowed to retire with full pension rights, his attorney said March 5. William Priest will retire as part of a settlement of administrative charges filed against him earlier this year by police officials to resolve charges that he used a police computer for personal business and did not list all of the guns in his possession. He was placed on modified assignment last December after allegations that he passed information to Gotti about investigations. Internal affairs investigators apparently found no links between Priest and Gotti.

Lawyers representing three members of the Black Panther Party convicted of killing two New York City policemen in the 1970's began arguments March 12 before a Federal judge seeking new trials for their clients. The lawyers claim that prosecutors and police fabricated evidence against Albert Washington, Anthony Bottom and Herman Bell — all of whom are currently serving prison sentences — and suppressed evidence that would have cleared them of the May 21, 1971 murders.

New York City police are rallying to save a fellow officer who is in desperate need of a bone marrow transplant. Officer Peter Mastello will die from leukemia in less than a year unless he undergoes the lifesaving procedure, his doctors say. Before the transplant, expensive donor testing must be undertaken, and city, housing and transit police officers are attempting to raise money for Mastello.

Former Syracuse Police Chief Leigh Hunt, who was fired last December by Mayor Tom Young, will run a state bureau of the Law Enforcement Television Network, which beams police-related training and information programs to police departments nationwide. [See LEN, Dec. 15, 1990, Feb. 14, 1991.]

New York Mayor David N. Dinkins announced March 4 that the city would begin to compile a list of hate crimes committed against gays in an effort to persuade the state Senate to pass a bias-crime bill. The bill has languished for the past several years because conservative senators object to its inclusion of protections for gays. [See related story, Page 5.]

U.S. Customs Commissioner Carol B. Hallett is due in New York March 19 to present multimillion-dollar checks to the Police Department and a local prosecutor's office. The funds are intended to be used for interagency drug interdiction programs established by the White House Office of National Drug Control Policy. Hallett will present a \$4.6-million check to the Police Department and a \$1.2-million check to the Queens District Attorney's Office at the Kennedy Airport ceremony.

**PENNSYLVANIA** — Eighteen people were indicted March 11 on Federal drug charges stemming from an incident five months ago when a plane carrying 15 tons of cocaine ran low on

fuel and was forced to land at an Allentown airport. Officials said the plane was en route to Canada from Colombia when it landed, lights out and without contacting the control tower, at Allentown-Bethlehem-Easton International Airport in September. Cocaine estimated to be worth \$240 million was found on the plane, and 13 arrests stemming from the incident were made in Canada, Florida, Ohio, Michigan and Wisconsin. Five other suspects remain at large.

State officials announced this month that its first boot camp-style prison for nonviolent offenders sentenced to less than six years will be located in Clearfield County and will begin operation in July.

**RHODE ISLAND** — Newly appointed Providence Police Chief Bernard Gannon vowed to make sweeping and immediate changes in the Police Department, including recruiting and hiring more minority officers. Gannon is the fifth chief to serve during the nine-year-old administration of Mayor Vincent Cianci.

Two Providence police detectives were charged late last month with mishandling a confessed killer who they allowed to go on a skydiving trip that ended with the suspect's death. Detectives Thomas Oates, 34, and Edwin Semper, 41, were charged with allowing Peter Gilbert, 43, to go on the skydiving trip in 1988, during which Semper died of a heart attack.

**VERMONT** — Randolph Jakobetz, 31, whose conviction in the 1989 kidnapping of a 24-year-old woman was based on the state's first use of DNA evidence, was sentenced to 29 years in prison last month.

## Southeast

**ALABAMA** — A Huntsville man said last month he plans to appeal his convictions for possession of hallucinogenic mushrooms and marijuana on religious grounds. Elton Rheurak, 33, who faces up to 11 years in prison when he is sentenced later this month, said he had the drugs to use as part of his self-styled religion.

**ARKANSAS** — The Fort Smith compound of fugitive cult leader Tony Alamo, who is being sought by the FBI and the Internal Revenue Service, has been locked up until the property is sold. Authorities took the action after they discovered that the body of Alamo's wife, Susan, was missing from the mausoleum on the property in which she was buried in 1982.

**FLORIDA** — Court-appointed doctors who toured the State Prison at Starke last month as part of a Federal suit challenging prison conditions said holding cells at the facility are like cages. A prison lawyer countered that the cells provide increased security for the inmates and staff.

State officials announced last month that a child abuse probe has begun on the role of staffers in an "exorcism" in

January at the Broward County Juvenile Detention Center. Some staffers reportedly held down a 17-year-old boy as a minister pounded on his head with a Bible.

A state study found that 200 children in foster care sexually assaulted other children, including others placed in foster homes, during a 12-month period ending in November. The study followed reports of rampant abuse of foster children.

Accused serial killer Oscar Bolin Jr., 29, was convicted this month of hatching a jailhouse plot to kidnap the families of police officials and hold them hostage in exchange for his freedom. Bolin, who is awaiting trial in Tampa on murder charges, is serving a 75-year sentence for rape and kidnapping.

A 58-year-old homeless man who lives outdoors on the shores of an Orlando lake said he was tempted to keep nearly \$30,000 in cash he found on Feb. 17, but was "too afraid of God" to do so. Darrel Teel, who had 9 cents in his pocket when he found the potential windfall, walked more than a mile to the Orange County Sheriff's Office to return the cash, which turned out to be the life savings of an elderly woman. Teel's honesty did not go unrewarded: the woman gave him \$200.

**GEORGIA** — The Legislature last month approved plans for the establishment of a boot camp-style program for first-time youthful offenders.

**LOUISIANA** — The Shreveport City Council on Feb. 29 approved a measure that will impose a youth curfew beginning April 1. Youths will be required to be off city streets by 10 P.M. on weeknights, and by midnight on Fridays and Saturdays. The action came after police statistics showed that 12 percent of the city's crime was committed by youths last year.

New Orleans police officer Darren Ahmed, 31, died from injuries sustained in a hit-and-run accident on March 13. Ahmed, a 10-year veteran, was on a police bicycle when he was struck by a car making a U-turn. The driver, Rohin Jarvis, 32, was charged with DUI and driving without a license.

**MISSISSIPPI** — Ridgeland police fired blanks last month at an estimated 1.2 million roosting blackbirds whose siege of the town threatened the public's health. The birds' droppings were stinking up the town and posing potential health problems.

Up to 1,500 Vicksburg residents who fail to return address forms for the town's enhanced 911 system face \$10 fines, officials said this month. The hand-delivered forms are needed to enter residents' addresses into the 911 system, which alerts dispatchers to the origin of emergency calls.

**NORTH CAROLINA** — Prison overcrowding will allow some convicted felons eligible for parole to be included in an early-release inmate program, state officials said, in an emergency procedure aimed at reducing the inmate population in the state from 19,353 to 19,324.

A hearing was scheduled for March

25 in a lawsuit against police that was filed by the father of a Goldsboro man who died in police custody in 1989. The \$6-million lawsuit was filed by James Swan after an autopsy showed that his son, James Jr., asphyxiated from pressure applied to his neck.

North Carolina reported 78 hate crimes in 1990, a figure that is the largest ever, according to the report of an anti-bias group, which said most of the victims were black and gay. Assaults rose from 11 in 1989 to 23 last year, the report said.

**SOUTH CAROLINA** — A lobbyist who served as an informant in an FBI probe of corruption involving state lawmakers was indicted last month on cocaine charges. Ron Cobb, 42, faces up to two years in prison and a \$200,000 fine if convicted.

Charleston police Lieut. Ronald Hamilton said last month that 98 percent of police work involves black-on-black crime, most of which is drug-related. The finding has spurred local leaders to ask residents to join in fighting the problem.

A Federal trial began Feb. 19 for a former Lancaster County sheriff's lieutenant and two men accused of offering him bribes. Ex-sheriff's Lieut. Ronnie Lloyd is accused of telling Tony Parker and Leonard Lucas about upcoming probes of video poker machines in exchange for a \$2,000 monthly bribe.

**TENNESSEE** — Operation Roundup, in which counseling will be offered to 3,000 drunken drivers who have yet to serve two-day sentences because of court backlogs and jail overcrowding, will begin on May 1, Nashville authorities announced this month.

The state Senate approved a bill that allows industries closed for two years to reopen in prisons and use the labor of inmates, who will be paid minimum wage, in an effort aimed at starting a fund for crime victims and defraying other costs. The plan nearly faced defeat because black lawmakers were angered at a rejection of their plea to tie in black-owned businesses when possible.

**VIRGINIA** — Gov. Douglas Wilder said this month he would support a bill to revoke the driver's licenses of casual drug users for six months. The state Senate approved the bill last month. A similar "use-and-lose" law is in effect for youths under 18.

## Midwest

**ILLINOIS** — Chicago Police Supt. LeRoy Martin blasted a crime summit he attended in Washington early this month because it didn't address what Martin called one of the "number-one issues in America" — the "proliferation of handgun violence." Martin said that while big-city police chiefs are "all singing the same tune on the same few people in Washington are not listening to us." Martin was referring to refusals by President Bush and Attorney General Dick Thornburgh to back pending legislation that would require a seven-day waiting period on the purchase of firearms — a move roundly



# Around the Nation

supported by police officials and organizations. Martin added that gun seizures by Chicago police had leaped from 12,602 in 1987 to 19,670 last year, and are now being confiscated at an even faster rate.

Derrick Morgan, 35, a member of the El Rukns street gang, is scheduled to be executed on May 15 for the 1985 contract murder of David Smith in Chicago. The execution date was set after Morgan lost his appeal to the state Supreme Court.

State Police are asking for donations of friendly, highly curious one- to three-year-old male German Shepherd dogs who will be trained to sniff out drugs, control crowds, track fugitives and locate missing persons. Officials say its 31-member K-9 unit has been thinned because of deaths and retirements.

A man who found \$80,000 lost by an undercover Des Plaines police officer on his way to make a drug buy may face criminal charges, authorities said. The unidentified man's lawyer said his client never tried to spend the money — lost on March 2 when an undercover officer drove off to a drug buy after placing a canvas bag with the cash on his car roof. The man reportedly found the bag on the street and took it home before returning it.

Chicago police have filed no charges against an 11-year-old who shot her father to death on Feb. 18 while trying to fend off his sexual advances. The unidentified girl shot Rudolfo Chavez, 35, after he threatened to kill her if she didn't have sex with him.

A recently unsealed Federal indictment has charged 32 people with shipping 176 pounds of cocaine between Miami and Rockford since 1987. Authorities have seized 10 homes and a car dealership belonging to members of the drug ring.

**KENTUCKY** — The percentage of state prison inmates serving full sentences without parole has tripled since 1985, according to the Parole Board's annual report, because more violent, sexual, repeat and multiple offenders are incarcerated than ever before.

**OHIO** — A Dayton bar owner has been charged in the March 10 shooting death of a former Dayton police officer who was fired last year for his part in the torture of a drug suspect. Bert Watts, 54, allegedly shot to death ex-police officer John Gamble, who was fired in July after he admitted involvement in the torture of a drug suspect with a hot iron. The incident led to the formation of a civilian review board in the city. [See LEN, Sept. 15, 1990.]

**WISCONSIN** — Gov. Tommy Thompson said he will propose a four-stage plan to double the state's prison capacity by the year 2000, when the prison population is expected to rise from 7,400 to 15,000. The Building Commission is to receive the plan by the end of March.

An official of the state Justice Department said the agency has 519,000 names in its criminal file, but many of the names belong to people taken into custody and never convicted of crimes. A House committee has been investi-

gating why the names of those acquitted weren't removed to ease the backlog.



**IOWA** — A rookie state trooper made his second big bust in as many weeks when he found nearly \$50,000 in stolen jewelry while making a routine traffic stop near Davenport last month. Scott Leichter made three arrests after the find. One week earlier, Leichter found \$50,000 in drug money during another traffic stop.

A poll of 810 Des Moines adults shows that 77 percent support the restoration of the death penalty, which was abolished in the state in 1965. Support was greatest among farmers and laborers; 84 percent of men and 71 percent of women approved of an effort by Gov. Terry Branstad to reinstate capital punishment.

**KANSAS** — An 18-year-old reputed member of the Insane Crps gang must serve 45 years before being eligible for parole in the rape and stomping death of a Wichita woman. Harabia Johnson was sentenced for his part in the death of Roseanna Johnson, 48, who was killed during a crime spree to celebrate a gang leaders' birthday.

Corrections Secretary Steve Davies, 44, will resign June 30 after two years in the post to become school superintendent in his hometown of Kingman.

**MISSOURI** — In a case expected to have far-reaching implications for U.S. colleges and universities, a Springfield judge ruled March 13 that campus crime records must be opened to the public. Federal Judge Russell Clark ruled that concealing crime investigation and incident reports to protect a school's image was unconstitutional and that such records are not exempt from the state's open-records law.

An investigation was launched last month into the death of Harrisonville police officer Chandler Sumner, 26, who was killed after his car ran off the road and overturned after hitting a large fence post set in concrete.

St. Louis police officials added 10 detectives to its Major Case Squad after the body of a murdered prostitute was discovered near Wentzville last month. A serial killer may be responsible for the death of Sandra Little, 21, and the unsolved killings of nine other women in the past 18 months, police said.

**MONTANA** — A married couple whose two cars were rammed by a rape suspect eluding police last August will drop a lawsuit against the accused rapist. Michael and Nadine Hanning will instead seek \$4,000 in damages from Curtis LaMere, who used his alleged victim's car in a bid to escape authorities.

An arbitrator ordered March 8 that six Capitol security guards laid off last November be reinstated with back pay. The guards were laid off in an effort by the administration of Gov. Stan

Stephens to contract state jobs to private companies in an effort to save taxpayer dollars. Arbitrator William H. Dorsey ruled that the move violated the guards' collective bargaining agreement with the state.

Gov. Stephens signed into law on March 8 legislation that designates the Montana Law Enforcement Museum in Deer Lodge as the state's official memorial for slain Montana police officers. The facility, located on the site of an old prison, is supported by law enforcement and private donations.

**NEBRASKA** — Sarpy County sheriff's employees will be the first in the state to undergo random drug testing in May, officials said. Three workers each month will be selected to undergo urine tests.

Lincoln police charged an 18-year veteran of the police force with burglary after he was identified on a security camera videotape by another officer. Donald Northcott Jr., 39, allegedly stole \$72 during a burglary of a tavern recorded by a videotape camera.

**NORTH DAKOTA** — The Grand Forks County Sheriff's office will distribute \$4 ID tags to children that will include their names, addresses, phone numbers, medical data and other information. The tags will help prevent abductions, officials say.

**SOUTH DAKOTA** — Volunteer police units in Lead and Deadwood were suspended after it was learned some members were paid for training and policing athletic events. The units are allowed to be paid only during state-declared emergencies and sanctioned events.

**WYOMING** — The state Senate voted to override the gubernatorial veto of a bill that would give the state the ultimate authority on gun legislation, and another requiring the suspension of driver's licenses for youthful drug offenders. A House override is required for the bills to become law.



**ARIZONA** — Prosecutors said they will allow plea bargains to seven state lawmakers indicted in Phoenix last month. The legislators were videotaped by police while accepting money in exchange for their votes on a bill allowing gambling in the state.

**COLORADO** — About 150 Denver youths said to be on the fringes of gang activity have been targeted in an effort undertaken by Mayor Federico Peña to steer them away from gangs and into alternative organized activities. Peña has vowed to crack down on "hard-core gang members."

Police and motel managers in Wheat Ridge are joining together in an effort to crack down on the growing number of teenagers who rent motel rooms for parties, one of which resulted in a rape last year.

**TEXAS** — State Public Safety

Director Col. Joe Milner, 59, announced late last month that he will retire soon, ending a 37-year law enforcement career.

While state prisons are overcrowded, officials say that 127 of 400 beds are vacant in court-ordered, boot camp-style prisons because judges sentence inmates to community-based corrections programs or other options.



**ALASKA** — Anchorage's homicide rate surpassed its 1990 total of 10 on Feb. 12 when a man who faced jail on a burglary charge shot and killed his wife, then turned the gun on himself, police said.

**CALIFORNIA** — A 13-month man-hunt ended March 3 when San Diego police arrested a man suspected in the slayings of five women last year. Cleophus Prince, 23, was taken into custody in Birmingham, Ala., on a warrant charging him with murder in the stabbing deaths of five women who died in attacks that began last January. [See LEN, Oct. 31, 1990.]

The Rev. Bob Hartley last month ended his protest against street killings — an around-the-clock, two-week vigil outside a morgue in a drug-plagued section of East Palo Alto — and survived being shot at six times. Others in the area were not so lucky; at least three people have been murdered there this year.

A bill introduced in the state Senate last month would reduce by two months the sentences of prisoners who teach other inmates to read. Under other proposals of the measure, guards would be required to undergo psychiatric exams and wardens would be required to have master's degrees.

A man awaiting sentencing in the torture-murder of a Drug Enforcement Administration agent was sentenced to life in prison plus 150 years for his part in a drug ring that brought cocaine into the United States through Mexico. Juan Matta Ballesteros also faces sentencing in the 1985 murder of DEA agent Enrique Camarena Salazar.

Adults who leave loaded firearms within the reach of a child who then injures or kills someone with the weapon would face felony charges under a bill introduced in the state House of Representatives this month. Both the National Rifle Association and Handgun Control Inc. support the plan.

In an effort to halt the rising level of bias crimes, two state lawmakers from San Francisco unveiled a bill last month that would double penalties for misdemeanor and felony hate crimes.

The FBI has begun investigating the deaths of two Samoan brothers who were shot 20 times by a Compton police officer last month. Alfred Skiles allegedly shot Pouvi Taulaulelei, 34, and his brother, Italia, 22, while answering a domestic call. An autopsy

showed that the pair were hit at least 20 times, with many bullets entering their backs.

Some late-night and restaurants in Sacramento are closing early and workers are arming themselves because of fears about a "thrill killer" who has shot six people execution-style since Feb. 12. Three pizza parlor workers were gunned down on Feb. 19. At least 80 detectives are patrolling the northeast section of the city where the shootings have occurred.

**IDAHO** — An \$80,500 Justice Department grant will provide services and aid to crime victims on an Indian reservation near Blackfoot, officials said recently.

Up to 5,000 Boise children are to be fingerprinted, photographed and videotaped as part of "Operation Print-a-Kid," an effort to record the identities of children lost or abducted. The information also will be made available to the FBI.

**NEVADA** — Interim Nevada U.S. Attorney Leland Luffy said in an interview last month that his office is zeroing in on increased Mafia activities in Las Vegas as part of a widening campaign against organized crime that goes beyond the scope of the traditional La Cosa Nostra. Luffy said that Las Vegas is still a "booming market" for organized crime that attracts other groups feeling the heat elsewhere in the United States. He added that the Justice Department has given the go-ahead under "exceptional circumstances" to prosecute cases involving motorcycle gangs and drug-dealing street gangs.

Under a new rule adopted by the state Prison Board last month, only shift lieutenants will know the names of HIV-infected inmates. The aim is to keep a list of names from other convicts to avoid privacy lawsuits from those whose confidentiality is breached. Prison officials say that 131 of the state's 5,600 inmates are infected with the virus associated with AIDS.

**WASHINGTON** — A state report has recommended the creation of an agency to oversee the crowded, ineffective juvenile corrections system. The study was ordered after figures showed a 60-percent recidivism rate among juvenile offenders.

The state Supreme Court ruled this month that police can search any suspect and seize any contraband even when wrongdoing is only suspected. The ruling came after police stopped a suspect for trespassing, found cocaine in his possession and arrested him on drug charges.

**Which major-city police agencies subjects their applicants to the longest (and shortest) written exams?**

Find out more on Page 13.



## Feud ends in TKO

A running feud between an Illinois police chief and the public safety commissioner who recommended his hiring appears to be over, with the police chief appearing to have come out on top by successfully maneuvering around the commissioner's attempts to force his control over the Police Department.

Collinsville, Ill., Public Safety Commissioner **Michael Fischer** said late last month that his recommendation to hire former Minneapolis police Sgt. **David Niebur** as Police Chief was the biggest mistake of his political career and may have cost him a third term in office. In a primary vote held Feb. 24, Fischer failed to win a spot on the ballot of a general election to be held in April.

Fischer also claimed that "negative press" on his long-running battle with Niebur over control of the St. Louis suburb's 32-officer Police Department hurt his primary election campaign.

A month after Niebur was hired — with Fischer's support — to modernize the department, Fischer accused the Chief of not following his orders. Niebur responded by telling the City Council he could not carry out his duties because of Fischer's constant interference. Fischer, who has attempted to suspend Niebur at least four times, filed three lawsuits against the city for its interference in the way he did his job as public safety commissioner. [See LEN, Oct. 15, 1990.]

"I think people were tired of the Niebur-Fischer thing," Fischer said in an interview with the Belleville, Ill., News-Democrat. "They didn't know who was right or wrong."

Niebur said he hoped that the results of the primary meant that day-to-day operations of the Police Department will be removed "out of the realm of

politics, so it can move forward."

"I think the election shows that the majority of the city of Collinsville wants the city to move ahead, not be in a regressive mode," he said.

Finance Commissioner **Ginger Trucano**, a Niebur supporter, said the city government's switch to a manager/council form of government in April should prevent similar feuds from occurring in the future. She noted that the city manager will limit the influence of councilmen in day-to-day decisions.

## Just the ticket

So you've risen to the top of your department, served as police chief for a number of years, retired, and then discovered to your dismay that you're not exactly ready for the relative calm of life after policing. Now what do you do? Why not start again at the bottom rung of the public service ladder, as former Missoula, Mont., Police Chief **Don Millhouse** did last winter when he took a job as a ticket writer for the city's Parking Commission.

Millhouse, 57, who retired last September after a 22-year career in law enforcement, said he got bored with being a retiree. So in November, after having taken a short vacation, he began his new job writing tickets for illegally parked cars.

"I figure that I loved public service, so I could serve the community a little bit more," said Millhouse in an interview with The Missoulian, the local newspaper. Besides, noted Millhouse, the job "keeps my wife off my back and brings in a little money."

Millhouse said that despite his status as the town's former Police Chief, he didn't feel overqualified for the job he now holds. "I did other things long enough. I'm outside and I'm around good people. That's fine with me," he said.

The job also gives Millhouse some of the high-profile exposure he enjoyed as a well-known city official. Most people seem glad to see him, he says — once they get over the fact he's ticketed their vehicles. "It's been a real good chance to get back with the working people and get away from the paper shuffling I had to do as chief," said Millhouse.

Sounds like just the ticket for retired police chiefs.

## Grapes of wrath

Clay, W. Va., Police Chief **Gene King** said he only wanted to rid the town of an eyecore that had become the focus of increasing complaints by citizens — a gathering of drunks hanging out in the town's business district who pilfered change and made catcalls at women.

But others in the town say that King went too far and took the law into his own hands. Those detractors include the brother of a 66-year-old self-proclaimed wino who died of pneumonia Oct. 13 — three weeks after drinking wine that King had allegedly spiked with castor oil.

King, who faces trial on an attempted murder charge, is free on \$20,000 bail, and continues his duties as the town's only law enforcer after a recent vote by

the Town Council allowed him to do so until his case is settled. The charge against him stemmed from a criminal complaint brought by **Earnest Love**, whose brother **Dana**, a former World War II infantryman, died last October.

Earnest Love filed the complaint after hearing that King had bragged about spiking the wine in an effort to rid the downtown area of loitering drunks, and after Clay County Prosecutor **Richard Facemire** failed to bring charges against King.

"He's admitted to putting stuff in the bottle. I don't see why he shouldn't be [charged]. If I shot you with a pistol, that's attempted murder whether there's a hole in you or not," said Love.

The Associated Press recently reported that the incident has divided residents of this impoverished Appalachian mountain town, located about 60 miles west of the state capital of Charleston. Many have sided with the Loves, saying Dana was a harmless drunk who never bothered anybody. Dana Love, who lived in a shack with no running water on the nearby farm where he grew up, "never hurt anybody except himself," said A.C. Ferrebee, a bus driver who ferries senior citizens to a local service center. "Dana Love drank seven days a week."

By contrast, King was a 26-year employee at South Charleston's Union Carbide Corp. who served 18 years on the Clay County Board of Education before being appointed as Police Chief less than two years ago, despite a lack of previous law enforcement experience.

Some Clay residents say that despite his good intentions, King may have gone too far to rid the town of drunks. "It was trying to do something good that got King in trouble," said **Clinton Nichols**, the publisher of the weekly Clay County Free Press and a former county commissioner.

For his part, King says he resorted to spiking the wine and other tactics to scare the drunks away from their downtown hangout. "We had a problem with several [drunks] and one day I said, 'I'll fix this guy.' That's all that was done." King told some residents about the ploy, he said, "because I knew it would get around and maybe they'd stop going back there."

## Glove's labor lost

Officials in the Chicago suburb of Hoffman Heights acted too harshly when they fired the town's first black female officer for her refusal to remove a fingerless black driving glove she wore while on duty, a Cook County judge ruled on March 8.

The decision by Circuit Judge **Francis Barth** sets the stage for **Florene Williams's** reinstatement to the Hoffman Heights Police Department, which will be required to compensate her with back pay accrued since her dismissal in August 1989.

Barth ruled that Williams's firing for refusing to take off the glove — a refusal that Village Attorney **Richard Williams** characterized as "strident" and "confrontational" — was a case where village officials "bootstrapped a minor uniform confrontation into a major confrontation." Barth sent the case back to the village's Police and Fire Commission for sanctions not to exceed a 30-day dismissal, after which

Williams is to be reinstated with back pay. Town officials were said to be disappointed by the decision and were expected to appeal the ruling to the Illinois Appellate Court.

Williams said she will pursue a \$1-million Federal discrimination suit against the town, which charges that she was fired because of her race. While Barth declined to pass judgment on the racial issue, the judge did conclude that the case "escalated beyond its importance."

Williams's lawyer, **George Pontikes**, said the officer had been wearing the fingerless gloves for about a year because they gave her more traction while gripping a car's steering wheel and made it easier to handle a gun. Police Chief **Donald Cundiff** brought a complaint against Williams in June 1989, charging that she had deliberately refused to obey a superior officer's order to remove the glove. The Police and Fire Commission fired her in August, finding the refusal to take off the glove "so willful and gross" that Williams's continued employment at the Police Department "would be a substantial shortcoming to discipline and efficiency of a public service organization."

Williams, who has been working as a bookkeeper since her firing, said she "definitely" planned to resume her three-year-old career as a police officer in the 82-member Police Department. "I met all of the qualifications," she told the Chicago Tribune. "I like it there, and it was just a few people who gave me a hard time."

## Soul man

Twice a week, a Catholic priest in the Bronx, N.Y., takes to the drug-scarred streets of his parish to offer small gold crucifixes to gun-toting youths in exchange for their weapons. Thus far he has found no takers, but he says his dangerous mission is justified if he is successful in imparting a message against drugs and violence to just one at-risk young person.

Since late last year, the Rev. **John Flynn**, the pastor of St. Martin of Tours Roman Catholic Church in the blighted borough's Crotona section, has ventured onto the violence-prone streets of his parish seeking to trade crucifixes for weapons. He remains resolute about his cause despite the lack of success at making such swaps.

"The gun is a symbol, as is the cross," he told the New York Times recently. "The cross is not going to save anybody, but if it gets into their souls, it will."

Flynn said the shootings of two young men during Christmas week left him grasping for a way to reach youths who are at risk for dying an early, violent death. Flynn, who is sometimes accompanied by neighborhood men who belong to his parish, strolls the streets of Crotona at night to hand out fliers advertising his offer in the hopes of grabbing the attention of street youths with offers of counseling and friendship. "I would guarantee you that almost everybody involved in the violence here believes in God," he said. Sometimes desperate neighborhood youths do make appointments to visit him at his rectory.

Flynn admits that his quest might be viewed as "crazy" by some familiar with the area's drug-ravaged streets,

but says his actions are part of effort aimed at the spiritual reclamation of the neighborhood. If he can reach just one youth with his message, he says, he will consider his cause a success.

"If I can get that one-on-one, that's when it happens," he said. "I don't even give a damn if I get the gun or not if I get that person."

## Dial M for money

The highest-paid public service employee in a large city is often the mayor, but in Portland, Ore., a 911 dispatch operator walked away with local honors last year after raking in \$94,869 — mostly through overtime.

The city's Mayor, **Bud Clark**, earned an annual salary of \$72,592.

"The guy works a lot," said **Gary Schrader**, the director of the Bureau of Emergency Communications, of the dispatcher, whom he declined to identify.

Schrader said that a high turnover rate and a glut of unfilled positions in the high-intensity job allowed the man to make so much money last year. He said that the bureau is authorized for 102 operators, but its current staff of fully trained operators stands at 60, which results in a "tremendous amount of overtime" available to its dispatchers. Operators, who dispatch 368,000 of the 1 million calls for assistance they receive each year, receive a starting salary of \$25,000 a year, and each employee receives approximately 10 hours in overtime per week.

"He worked additional hours so that other people would not be forced to work overtime. He doesn't mind working the extra hours, and in fact, he enjoys the work so much that it doesn't bother him at all," Schrader told LEN. "We have not seen a degradation of service from the amount of overtime that he works. If we thought there was any threat to public safety at all, we would order him not to work the overtime."

Schrader said the bureau is always looking for operators and that the problem is not so much one of hiring qualified applicants as it is of keeping them.

"It's a very demanding job and a lot of people come here with different expectations of what the job entails. It requires a great ability at multi-tasking. They have to be able to do approximately five things simultaneously, and as a result, there are a lot of people who cannot accomplish that," he said.

Nor do all applicants accepted for employment as dispatchers weather the bureau's intensive training requirement, which includes classroom training in law, police and emergency medical dispatch procedures, and will soon entail fire dispatch procedure. They must also complete a period of "on-the-floor" training, and the whole process takes from 12 to 18 months to complete, Schrader added.

While the job can be stressful, Schrader said he does not believe that "burnout" is the cause for the bureau's staff shortage. "I think there are a lot of people who expect they're going to come in here and just answer the telephones, but it's a heck of a lot more than that," he said.

The report of the operator's windfall did not set off a public outcry, said Schrader, "but we got lots of people calling up wanting a job."

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# Legal ordeal comes up roses for Vines

Faith in God and the unstinting support of colleagues all over the country helped former Dallas Police Chief Mack M. Vines withstand a legal ordeal that began last September when he was fired shortly after being charged with perjury and ended last month when he was acquitted of the charge.

"I've always thought it was an extensive misunderstanding from the beginning," Vines said of the events that led to his trial on a misdemeanor perjury charge. "It was a situation that took on a life of its own and just flourished. It should never have reached that particular point. It was a situation that just wasn't handled properly."

Vines was acquitted Feb. 15 after a five-day trial. Among those testifying on Vines's behalf at the trial was former U.S. Attorney General Edwin Meese 3d, for whom Vines worked in the Justice Department in the mid-1980's.

During a recent interview with LEN, Vines spoke about his life in the months since his troubles began. "It was a real stressful period of time — and it still is. I prayed a lot and thought about things a lot," said Vines, who was also forced to give up his post as president of the Police Executive Research Forum because of his firing. "The isolation from



**Mack Vines**  
*Reason to smile again.*

local friends and from people with whom I had had contact before was difficult to accept, but yet, with self-confidence — and without a doubt, the Lord's blessings — I was able to come through."

The charge arose from testimony Vines gave last summer before a panel appointed by City Manager Jan Hart to look into allegations that the Police Department had acted too quickly when it dismissed police officer Patrick Le-

Maire for shooting and killing an unarmed Mexican citizen in June 1989.

Deputy Chief Greg Holliday testified before the panel that Vines had telephoned him before his appearance and tried to influence his testimony, telling him not to emphasize how quickly the department had conducted its own inquiry into the shooting. Vines, who had proclaimed his innocence from the start, testified he had spoken with Holliday but did not try to influence his testimony. The panel ultimately found no wrongdoing on the part of the Police Department in regard to its probe of the shooting. [See LEN, Sept. 15, 1990.]

Vines said that the scandal shook his usually resilient self-confidence and he sometimes doubted whether he would be exonerated. But the outcome of the trial has reinforced his faith in the criminal justice system, he said. "It's the best system in the world today and although it has its flaws, it's by far the best. When you're the defendant — which I'd never been before — you become a bit anxious. And when your livelihood is on the shoulders of six people, one never knows. There's no guarantees of anything — what a jury might do. . . . The element of unknown is just devastating," he said.

Vines said he felt no rancor toward Dallas or its residents as a result of his ordeal. "I like Dallas. It's a good city with problems like all cities have, but it

has an awful lot of amenities and a lot of good people," he said, adding that he plans to stay in the area at least for the present.

Nor does Vines regret his two-year tenure as chief of the Dallas Police Department, saying he believes the agency is more "progressive" than when he arrived. Massive changes were undertaken in almost every sphere of the department, he noted, and new anti-drug strategies and a push toward community-oriented policing were mapped out.

Vines said he left feeling that within five years Dallas residents will perceive "a significant change" in the department, and added he is "quite confident that the department will continue to go in that direction" under new Police Chief William Rathburn, a former Los Angeles deputy chief.

Vines said he had not yet met or spoken to Rathburn, who began his duties March 4, and declined to offer advice to him. "He's a bright person. . . and brings a good record here to Dallas. He's got a good department around him to assist him with a lot of expertise and brains to pick that will help him move on," he said.

Vines did offer advice to Rathburn's superiors, however: "Provide him with an opportunity to manage and the flexibility to manage and the freedom to make decisions — and the freedom to

succeed and also to fail, and to learn from his failures. As long as they allow him to perform, I'm certain he'll perform well."

As for his own career, Vines said he is "keeping my eyes and ears open" for suitable positions. He fears, however, that his own marketability in the law enforcement profession may have been damaged by the trial and the national spotlight it forced him into. "I still enjoy a very good relationship with all of my colleagues throughout the country, but colleagues don't hire you. I would hope that over a short period of time, people will realize that this situation wasn't as it had originally been projected," he said.

In the meantime, Vines is keeping himself busy doing some work as a private consultant. In December, he traveled to Bulgaria to help officials there revamp their police system force in the post-Communist era. "In all reality, they're in a very envious time period in their history. They can use our experience, failures and problems as a learning process [of things] to avoid — improper laws, crowded jails, whatever it might be," noted Vines. "If they're able to head those off now before they flourish, one would think that they will develop a more effective public safety initiative."

## Grim news on hate crime Survey finds sharp rise in anti-gay crime, violence

Anti-gay violence rose sharply in six U.S. cities during 1990, according to an annual report on gay-related bias crimes released early this month, with all of the cities surveyed showing double-digit increases over 1989 totals.

A total of 1,588 incidents of harassment, intimidation, physical assault, vandalism, arson, police abuse and murder were reported during 1990 to agencies in Boston, Chicago, Los Angeles, New York, Minneapolis/St. Paul and San Francisco, said the report "Anti-Gay/Lesbian Violence, Victimization and Defamation in 1990," which was compiled by the National Gay & Lesbian Task Force Policy Institute and released March 6.

"Greater gay visibility and activism have opened doors to understanding and acceptance," said Kevin Berrill, director of the task force's anti-violence project. "However, our increasingly open and unapologetic existence has triggered hostility and made us a more identifiable target for potential assailants."

New York City was the scene of the most anti-gay incidents in 1990 with 507, a 65-percent increase, followed by San Francisco with 425, up 29 percent; Los Angeles with 199, up 20 percent; Chicago with 198, up 11 percent; Boston with 147, up 75 percent; and Minneapolis/St. Paul with 112, up 133 percent. The report cautioned that be-

cause of a reluctance by victims to report crimes to authorities, the figures "reflect only a fraction of the actual number of incidents" that occurred in the cities last year. The figures were provided by professional agencies located in the six cities that monitor anti-gay crimes and offer assistance to victims, the report added.

Among the most serious incidents on the rise last year were those involving physical attacks. Violent attacks against gays rose by 14 percent in Chicago, where 88 were reported, 39 percent in San Francisco (230 incidents), 64 percent in Boston (69), 100 percent in Los Angeles (50); 114 per-

Continued on Page 6

## Hate violence grows more frequent, vicious, random

Despite new laws enacted at the state and Federal level last year to combat bias-motivated crimes, 1990 was marked by "an unprecedented escalation of hate violence," including a "dramatic jump" in murders motivated by race or connected to the white supremacy movement, according to a study released last month.

"Acts of hate violence have grown more frequent, more vicious, and more random, and are more likely to be unprovoked," stated the annual report on hate crimes issued by Klanwatch, a project of the Montgomery, Ala.-based Southern Poverty Law Center.

The report said that an increase in

bias-motivated murders — from seven in 1989 to 20 last year — "was indicative of an overall surge" in hate crimes that continued an upward trend begun in 1988. While the numbers of bias crimes reported by Klanwatch represented only a sampling of the national total, the figures tallied in the report were "nothing less than cataclysmic" and represented the highest yearly murder toll since Klanwatch began monitoring such crimes 10 years ago.

The report also noted that white supremacists were killing each other as turf battles between rival hate groups escalated. Whites were the victims in 10 of the 14 murders committed by

organized hate groups, Klanwatch noted, and at least two of the victims were fellow white supremacists. The other victims were Hispanic, black or Vietnamese Young Skinheads, who represent an increasingly violent arm of established hate groups, were the perpetrators in half of the reported murders, many of which occurred in internal clashes or in rivalries with other Skinhead groups. Skinheads also were responsible for nearly half of the racially motivated assaults documented by Klanwatch last year.

The report said that the number of cross-burnings rose strikingly last year, Continued on Page 6

## Potential job windfall pits two W. Va. towns in bid for FBI 'print center

A turf battle between two West Virginia towns over claims to the site where the FBI's multimillion-dollar Fingerprint Identification Center is to be built — providing thousands of jobs to residents of both towns — will not affect plans to construct the facility, said a spokesman for the bureau.

FBI officials are staying out of the sparring between the two towns, Clarksburg and Bridgeport, which have been jostling over which will be the beneficiary of \$3 million in taxes that construction of the high-tech facility will generate, said FBI spokesman Carlos Fernandez.

"We're moving out there, and as far as boundaries lines go around the facility, it's not something for us to determine. It's a local matter for county officials to make a determination on," Fernandez told LEN.

The towns, located in Harrison County, about 100 miles south of Pittsburgh, have been locked in a struggle over the center for the past several months. In January, the bureau paid nearly \$3.5 million for pasture and woodlands and part of a reclaimed strip mine — property that is not part of either city, but which adjoins Bridgeport's city limits. Clarksburg's closest boundary is about eight miles south of the property but that didn't stop the city from moving to annex the land last July over Bridgeport's vehement objections.

"The feeling in Bridgeport is that Clarksburg is infringing on our territorial integrity," Bridgeport Mayor Carl Furbie Jr. told The Associated Press.

The rivalry entered the legal arena in February when Bridgeport officials and freeholders — persons claiming an interest in the property — filed an appeal in Harrison County Circuit Court to

review a decision by county commissioners that backed Clarksburg's annexation of the FBI site.

"Frankly, it's very unfortunate that we have to have such a [dispute], period," said Bill Spears, the assistant director of Harrison 2000 Inc., an economic development corporation whose input helped to draw FBI interest to the area. "Bridgeport's contention is that geographically, [the site] is adjacent to our city limits, and that Clarksburg has come out with a long, narrow umbilical cord in order to annex this large site," said Spears.

The FBI center will provide both localities with a much-needed economic shot in the arm, noted Spears. The local economy is still reeling from a 1987 decision by the Anchor Hocking Corp. to close a glass manufacturing plant in the county that employed 900 workers. Unemployment in the county rose to 18 percent in 1988, and has leveled off at about 9.7 percent.

"It's just a shame for people to see this and wonder why in the hell are these people fighting over something like this. It's ridiculous," Spears told LEN.

Spears said that construction of the facility will start late this year and the center is scheduled to begin operations by early 1995. Up to 70 percent of the center's estimated 3,000 employees will be hired from the immediate area, with the rest transferring from the FBI's fingerprint unit now operating in Washington, D.C., he added.

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# Guns are the leading killer of young blacks

Nearly 50 percent of all young black males ages 15-24 who died in 1988 were victims of firearms-related violence, and black men in that age group were 11 times more likely to be shot to death than white males, according to figures in a Federal report released this month.

The grim findings, which Health and Human Services Secretary Louis Sullivan called "appalling and heart-rending," were contained in a report issued by the National Center for Health Statistics on March 14. The document analyzed U.S. firearm mortality rates of persons up to age 34 during the period from 1979 to 1988, the last year for which such figures are available.

The report noted a large variation by race and sex within age groups, particularly for teenagers between 15 and 19 years old. Among black teenage males, 48 percent of the deaths were firearms-related in 1988, compared with 18 percent among their white peers. The report noted that from 1984 to 1988, the firearms death rate for black males ages 15-19 more than doubled at an annual rate of 18.6 percent, to 79.5 deaths per 100,000 population. In 1988, one out of

every 1,000 black males ages 15-24 died as a result of incidents involving firearms. The year also saw the largest single-year increase — 35 percent — in the firearms death rate for black male teenagers.

Among black females ages 15-19, 17 percent of deaths resulted from gunfire, compared with 8 percent for white females, the report said. Among white males in the 20-24 and 25-29 age brackets, firearms were used in 17 percent and 19 percent of the deaths, respectively. Among black males of the same age groups, the firearms death rates were 30 percent and 42 percent. Percentages of gun-related deaths of black females also exceeded the totals for white females except in the 30-34 age bracket.

In 1988, for the first time ever, more male teenagers died from gunfire than from any natural cause, and firearms used in suicides and homicides accounted for 20 percent of all teenage deaths that year.

"As a black man and a father of three, this really shakes me to the core of my being," said Sullivan as he previewed the report's findings at the Black

Family Conference at Hampton University in Virginia. "Do you realize that the leading killer of young black males is other young black males?"

Sullivan said that on U.S. streets during every 100-hour period "we lose more young men than were killed in 100 hours of ground war in the Persian Gulf. This is a war against ourselves, and it is devastating our communities."

## Anti-gay crime rises in six cities; many incidents still go unreported

Continued from Page 5

cent in New York City (257); and 210 percent in Minneapolis/St. Paul (31). Three anti-gay murders were reported in 1990, the report added.

The 265 anti-gay crimes reported to police in the six cities, while a much smaller number than figures compiled by the task force, nonetheless represent a 70-percent increase over reported crimes in 1989. Anti-gay crimes reported to police rose by 23 percent in San Francisco, where 97 were reported; 117 percent in New York City (102); 200 percent in Boston (39); 350 percent in Minneapolis/St. Paul (9); and 400 percent in Chicago (10). Only Los Angeles police saw a decline — 38 percent — in reported anti-gay crimes.

Reports of anti-gay police abuse rose in three of the cities last year, with 10 incidents reported in Boston; 47 in New York City; and 10 in Minneapolis/St. Paul, according to the study.

Addressing the wide disparity between the number of anti-gay incidents documented in the task force's study and those reported to police, the report said law enforcement officials must be "properly educated on how to identify and investigate crimes based on sexual orientation. Without such training, law enforcement data on hate violence will continue to reflect only a very small

fraction of the problem."

The task force also recommended that "vigorous efforts" be made to end anti-gay discrimination within the criminal justice system. It recommended training for police, prosecutors, judges and other law enforcement personnel that will aid them in dealing with gay and lesbian crime victims "in a manner that is competent, sensitive and fair."

## Rising hate-crime tally tempered by good news

Continued from Page 5

up from 35 in 1989 to 50 in 1990, with California and North Carolina leading the nation in that category with five incidents each.

Anti-Semite vandalism became more "widespread and more vicious" during 1990, Klanwatch reported, and the number of arsons directed at religious institutions more than doubled. Most of the targets were synagogues and Jewish schools; others were churches with large black, Chinese, Korean or gay congregations.

The rise in hate-motivated crimes was tempered by some encouraging developments in the legislative and legal

making their neighborhoods a safe haven for children."

The findings follow a spate of recent studies that portray a generation of young black men who are falling victim to violence, AIDS, drugs, and imprisonment — conditions that are exacerbated by a lack of employment and educational opportunities available to them. [See LEN, Feb. 15, 1991]

The report also noted that more laws enacted to counter anti-gay crimes were enacted in 1990 than in any previous year. Such laws were passed in Connecticut, the District of Columbia, Illinois, Iowa, Massachusetts, New Hampshire, New Jersey and Vermont, bringing to 12 the number of states with laws that monitor or penalize crimes based on sexual orientation.

arenas, Klanwatch said. The passage of the Hate Crimes Statistics Act, which directs the U.S. Justice Department to collect bias-crime data nationwide, was one such event, Klanwatch said. The group cautioned, however, that the law makes no budgetary provisions for collecting information, nor does it require states to supply the data to the Justice Department since participation in the program is voluntary.

Despite its shortcomings, the law — and an increased willingness by Federal authorities to investigate and prosecute hate crimes — "represents a solid and welcome emphasis at the Federal level on bringing racial terrorists to justice," the report said.

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# DoJ takes up review of brutality cases

The massive review of thousands of police brutality reports being undertaken by the Justice Department — prompted by national outrage over the videotaped beating of a motorist by Los Angeles police officers — is an apparently unprecedented action that will attempt to identify geographic or systemic patterns of police violence nationwide, Assistant Attorney General John Dunne said in a recent interview with LEN.

Attorney General Dick Thornburgh announced the action on March 14 after meeting with members of the Black Congressional Caucus, who had sought Federal intervention on the issue of police brutality following the March 3 beating of Rodney King by several club-wielding Los Angeles policemen. On March 15, four Los Angeles police officers were named in criminal indictments stemming from the incident, which has focused national attention on reports of police brutality.

Dunne, who heads the Justice Department's Civil Rights Division, said he believed it was the first time the Justice Department had conducted such a review.

"I'm not aware of anytime this has been done," he said of the probe, which came as a "personal decision" by Attorney General Dick Thornburgh after he and Dunne met with Representatives John Conyers Jr. of Michigan and Edolphus Towns Jr. of New York.

The purpose of the review, Dunne told LEN, is to determine whether police abuse is endemic to particular regions of the United States and whether individual agencies "have an unusually high number of incidents." Southern California — where several highly publicized police brutality incidents and lawsuits alleging violence involving law officers have occurred in recent years — is not a focus of the review "although when all of the analysis is done, there may be a particular incidence of

those matters in Southern California," he said. "But we're not starting out focusing on any particular area."

More than 15,000 police brutality reports — received by the FBI, U.S. Attorneys' offices and by the Justice Department from the victims themselves — will be analyzed by Justice officials in coming weeks. Reports as far back as 1985 will be reviewed, Dunne said, although the statute of limitations for such cases is usually five years. "We thought going back one additional year would probably make sense," he said.

The Justice Department is not reexamining the cases with "a view toward reopening individual" cases, he added, nor is it specifically looking for racial trends involving police brutality. Many Los Angeles residents contend that the beating of King, who is black, was racially motivated.

However, Dunne conceded that some racial patterns might be discovered. Analysts will compare a given geographic area with its population, its number of police officers and the arrests made during the six-year period, he said, and the information will be forwarded to the National Institute of Justice. NJ officials may be asked to conduct further examinations of individual police agencies with a focus on sensitivity training and disciplinary actions against officers implicated in brutality incidents, he added. Dunne indicated that the department's findings would be made public but could not say when.

"If indeed there seems to be some correlation between a high number of incidents and the manner in which the department responds to them, then perhaps we would make some recommendations to a given department as to how we might help them to minimize these. What we're looking for is not so much punishment as...to helping the departments reduce this kind of activ-



In this photograph taken from an amateur videotape, Los Angeles police appear to beat and kick Rodney King in an incident that provoked national outrage, but which was described by Police Chief Daryl Gates as "an aberration."

(Wide World Photo)

ity," he said.

"I don't think it's ever been identified as our duty to do this regional analysis, but I think it's probably going to be a very salutary thing" that will aid Federal officials in determining whether police abuse of suspects is widespread and whether "we ought to try to work with these [police] departments to see if they can be minimized," said Dunne.

The Civil Rights Division examines between 2,500 and 3,000 police brutality cases each year, most of which are investigated by the FBI, said Dunne. But only about 50 or 60 cases, most alleging civil rights abuses, are presented to grand juries each year by Justice officials, and about 85 percent of those cases "wind up in indictments," said Dunne.

"We don't present cases to a grand jury unless we are convinced that we

have enough evidence to prove guilt beyond a reasonable doubt. Ordinarily, probable cause is the standard for obtaining a Federal indictment but because we know these cases are so difficult to convict, we determine that we will not present a case to the grand jury unless we believe it's strong enough to convict," he said. About 80 percent of the indictments end in convictions, he added.

Dunne added that Justice Department officials are working closely with U.S. officials in Los Angeles and the office of Los Angeles County District Attorney Ira Reiner in their continuing investigations of the incident. Four officers were indicted March 15 on charges stemming from the beating of King, a 25-year-old parolee who was attempting to elude officers during what was described as a high-speed chase.

Officials have indicated that other officers at the scene — as many as 11 in all — may also face charges because of their inaction or unwillingness to stop the beating.

Police Chief Daryl F. Gates has waged a political battle to keep his job ever since the beating incident, which he initially termed "an aberration." Gates has been accused of allowing, in the words of Representative Conyers, a "culture of violence" to flourish in the Los Angeles Police Department that has allowed officers to commit violent acts with impunity. Mayor Tom Bradley has called for Gates's resignation, but the Chief has refused to step aside and can only be removed by a vote of the city's five-member Police Commission which appointed him. At press time, Gates remained in control of the Police Department.

## Two Midwest views of traffic enforcement

### St. Louis-area agencies seek voluntary driver compliance with speed limits

St. Louis-area law enforcement agencies have joined together in an anti-speeding program whose success is measured not in the number of tickets issued, but by whether a stepped-up enforcement presence on certain target days results in an increased awareness by motorists as to the dangers of breaking the speed limit.

Two or three days each month, up to 150 local and state police officers from 14 jurisdictions in and around St. Louis, including the Missouri State Highway Patrol and the Illinois State Police, fan out on major state routes and interstate highways in a "concentrated effort" to educate the public about the consequences of speeding, said Sgt. Ron Klein of the St. Louis Police Department's Traffic Safety Division.

Voluntary compliance, education and safety awareness is the goal of the program, which has been dubbed Operation Gateway, said Klein. "The more tickets we write, the bigger the failure of the program," he told LEN. "We're trying to educate people that we're out here, and we want them to slow down because it's for their safety as well as

other motorists on the highway."

"When we come back six or nine months from now, and we're still writing as many tickets as nine months before, then something is wrong. The message is not getting out and we have not gained voluntary compliance," added Sgt. David Jung, a spokesman for the Illinois State Police.

Area motorists are notified through newspapers, TV and radio ads about upcoming Gateway target days, when traffic officers take to the roads in full force. The increased presence is aimed at simply getting motorists to slow down and be aware of posted speed limits, Klein said. On the target days, speeding will not necessarily result in sanctions against offenders — at least in St. Louis. Motorists there who exceed the speed limit up to 69 m.p.h. are issued warnings; those clocked at 70 or above will receive summonses, which require a mandatory court appearance.

Illinois State Police officials say that, unlike other agencies participating in the program, they prefer to remain tight-lipped about where and at what times officers will be enforcing speed limits

on the target dates. And officers will issue tickets to traffic violators as they see fit, said Sergeant Jung.

The operation had been carried out twice by mid-March. On March 12, participating officers issued 199 summonses and gave 148 warnings, said Klein.

Planning for Operation Gateway began after a survey by the National Highway Traffic Safety Administration, and by the Divisions of Highway Safety in the two states, indicated that speed-related accidents were up in the bi-state region. Speed-related accidents rose about 23 percent from 1989 to 1990, according to Klein, with speed a factor in about 60 percent of the 51 traffic fatalities in St. Louis last year. In addition, speed comparisons by law enforcement agencies have shown that the average speed on St. Louis-area highways, which have a 55-m.p.h. speed limit, is 63. "That's taking into account both the slow lane and the fast lane," said Klein. "We've got a lot of 80-m.p.h. drivers out there."

The findings prompted area law

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### Green Bay cops cry 'foul' over alleged traffic ticket quotas

Police in Green Bay, Wis., will go to court next month hoping to obtain an injunction against what they claim is a Police Department policy that mandates disciplinary action against officers who fail to write a certain number of traffic tickets each month — a policy they charge constitutes a quota system, but which city officials deny.

Thomas Parnis, an attorney representing 145 members of the Green Bay Police Bargaining Unit, filed the motion on Feb. 19 in Brown County Circuit Court seeking an injunction against the practice, which he said began in January "when guys were starting to be written up because they didn't meet a quota in giving out traffic citations." Parnis told LEN he sought the injunction while the Wisconsin Employment Relations Commission reviews the prohibitive-practice brief he filed on behalf of the police officers — a process that could take a year or more. A hearing before Judge William Duffy is set for April 24.

According to a policy directive issued by Green Bay police officials, "deficiencies in productivity will be

handled by each shift commander through progressive disciplinary procedures" that could ultimately result in an officer's dismissal from the force. Parnis said that since the union's objections, the disciplinary aspects of the order have been withdrawn. Prior to that, however, some officers received "letters of reprimand," Parnis said, which inform officers they haven't written enough traffic citations, making it clear that a quota system is in effect.

Green Bay police officials declined to comment on the policy and deferred questions to Assistant City Attorney Mark Warpinski, who denied the union's charge. "If we notice that someone hasn't written a ticket in a month [or more] we begin to wonder whether they understood what it was they were supposed to be doing when they were out on the road," he said. The directive was issued as "an assessment technique for work performance purposes. But there was never any rule that said, 'You shall have 10 citations a night' or anything like that."

The directive, he said, simply notifi-

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# Experts won't rule out long-term risks from traffic radar

Continued from Page 1

ently not been considered in establishing the allowable exposure levels given above." [For the recommendations of Pavlik and others, see sidebar, Page 9.]

## Highway Patrol Satisfied

A similar comment was included in a report by scientists of the Battelle Institute in Columbus, Ohio, who assessed radiation hazards of radar and communications equipment used by the Ohio State Highway Patrol. As in Florida, the measured units generally "were well below the [ANSI and OSHA] standard limits," although in a few instances "measured levels exceeded the limits and some changes in equipment location and/or operation may be warranted," wrote Robert T. Whitacre, a research scientist with Battelle's Electromagnetics Section.

Like Pavlik, though, Whitacre added a caveat. He cautioned that while the standards specify definite limits, "they should not be construed as representing a sharp boundary between a hazard and a non-hazard. They are regulatory [emphasis Whitacre's] limits, somewhat analogous to a speed limit. They are derived from a large body of experimental data (sometimes contradictory), some subjective judgment concerning the magnitude of an adequate safety factor, and some discernment of what constitutes an acceptable risk in light of the perceived benefits [which] are (largely) economic, so there is a good deal of controversy concerning the proper trade-off," he wrote. He said radiological health experts agree that individuals "having control over (their own or others) exposure to NIR [non-ionizing radiation] should strive to keep the exposure 'as low as reasonably achievable.' That is, the less the exposure, the lower the risk."

In his conclusion, Whitacre noted that "little is known about the long-term effects of electromagnetic radiation exposure... [A]lthough some of the measured power densities around these antennas exceed the Standards, the real safety and health problem is long-term exposure."

The Batelle report was analyzed by the Division of Safety and Hygiene of the Ohio Bureau of Workers' Compensation, who passed it on to Highway Patrol officials in late February. Notwithstanding Whitacre's caveat about long-term hazards, Supt. Thomas W. Rice said he had to conclude, on the basis of the report, "that there are no indications that our radar is the source of any increased health risk."

"We've been researching this for months, ever since Trooper Poynter brought this to our attention and said there could be a problem," said Sgt. Kathleen B. Plesich, a Highway Patrol spokeswoman. "His concerns were taken very seriously and we explored every avenue that we could. And the result of our exploration and research shows us that there is no danger."

## How Reliable Are Existing Standards?

As Rice's and Plesich's statements indicate, some law enforcement officials view the ANSI standard as a threshold indicating safe levels for exposure to microwave radiation. Manufacturers

say they also rely on the ANSI standard to ensure the safety of their products.

"Our traffic radar units typically operate at about 20 percent to 30 percent of that [ANSI] exposure limit," said John Kusek, senior vice president of Kustom Signal Inc., the largest U.S. manufacturer of police radar units. "Our position is that in typical operation you have a built-in safety factor of 300 to 400 times below what is recognized as safe limits. And even if you were in front of [the unit] continuously, you're still below the limits that are recognized as safe by credible authority."

But many scientists and others knowledgeable of the ANSI standard point out that it does not take into account any possible non-thermal risks associated with microwave radiation, nor does it address long-term chronic exposure. Readings that fall below the ANSI standard should not be taken as a guarantee that the exposures will not harm the officers over the long term, they say. Moreover, as LEN has learned, there are questions as to just how "credible" an authority ANSI is.

The American National Standards Institute, a New York City-based, non-governmental organization, developed the standard most often quoted by scientists with regard to safe exposure limits to radiofrequency radiation. The standard was last revised in 1982; prior to the revision, it was the same as the OSHA standard of 10 milliwatts per square centimeter. Even with the revision, however, the ANSI standard is far more tolerant than exposure limits set in other countries.

Leo Birenbaum, an associate professor of electrical engineering at New York Polytechnic University who was a member of the committee that revised the standard, said the revision was not made with biophysical or medical effects in mind.

"Those ANSI limits are really a consensus limit," he said in an interview with LEN. "You think that if you set a limit that it's medically based on something, but it really wasn't that way. The number of medical people that were involved in this ANSI committee was very, very small — two or three, I don't know. There were a lot of people from the military, there were a lot of people from companies that made radar devices, a lot of people from the regulatory agencies... Each person had interests they were trying to protect."

In essence, Birenbaum stated, the standard is a "pseudo-scientific, pseudo-health measure" that should not be accepted "as an indicator of what's safe and what's not."

## A Disputed Study

"The standard is basically worthless for exposures that are considered chronic" such as those typically experienced by police officers using traffic radar, said Dr. Robert Becker, a physician who has seen patients with microwave radiation-related injuries and who has been involved since the 1950's in research on the biological effects of electromagnetic fields. A professor at Upstate Medical Center in Syracuse, N.Y., and at Louisiana State University in Shreveport, Becker lost the sight in one eye from years of working with a device that emitted microwave radiation.

## Possible radar-cancer link to have its day in court

The controversy over the long-term health effects of police radar use entered a new phase March 12 when a lawyer, representing a U.S. Park Police officer suffering from an inoperable brain tumor, filed what is believed to be the first lawsuit to allege that the long-term use of police radar caused his client's cancer.

John E. Sweeney, an Agoura Hills, Calif., attorney, filed the lawsuit in U.S. District Court in San Francisco and told LEN he expects to file similar lawsuits in the coming weeks.

The lawsuit, which seeks millions of dollars in damages from Kustom Signal Inc., the nation's largest producer of police radar units, was filed on behalf of Hyman R. Rosen, 39, who worked in San Francisco's Golden Gate National Park from 1978 to 1987, but now is assigned to the New York area's Gateway National Recreation Area.

### Metastasized Melanoma

Rosen used a Kustom-produced MR-9 Moving Radar System "regularly, routinely, repeatedly, and continuously for several hours of a time" during his regular duties, the suit said, and followed the manufacturer's instructions. In 1986, Rosen was diagnosed with melanoma, which has metastasized. The suit contends that Rosen's cancer was a direct result of his exposure to "dangerous, unhealthy and harmful microwave energy of sufficient power density levels" emitted by the radar device.

The suit charges that radar units manufactured by Kustom Signal were defective, partially because of a failure by Kustom to give adequate warnings about possible hazards posed by the operation of the devices.

The suit also alleges that the radar device used by

Rosen "emitted dangerous and harmful microwave energy of sufficient power density levels as to cause" Rosen's illness. The design of the unit allowed a "wide variation in power density levels, and dangerous levels of leaked microwave energy," the suit added.

It also charges that Kustom officials misled U.S. Park Police officials about the potential for danger associated with radar devices. The suit says Kustom officials made "intentionally false and misleading" claims, including assertions that their products were not capable of "producing microwave fields in excess of safe human exposure levels, and that no scientific basis existed to support a causal connection between harmful biological effects and the microwave fields generated" by the devices.

### No Explanation Other than Radar

Sweeney, who has specialized in radiation-injury cases for nearly 25 years, said he is "absolutely convinced" of a link between the onset of cancer and long-term exposure to microwaves and radiofrequency radiation emitted by police traffic radars.

"The kinds of cancers I've seen and the location within the body in relation to the use of the hand-held or portable radar systems are inexplicable in any other fashion. These are young men with no contributory history of any kind. In each case, they have histories of long, long exposure — I'm talking about hours at a time — for a number of days per week over a matter of years. That kind of exposure has never been experienced before in that way," said Sweeney.

John Kusek, a Kustom's senior vice president, told LEN he was unaware of the suit and could offer no comment.

Becker said that the ANSI standard was based on the premise that the only way microwaves could produce biological effects was if they resulted in thermal effects on tissues. "We now know that is definitely, 100 percent, for sure, not true," said Becker. "You don't have to heat the tissues. We don't know what the safe level is. We do know that the ANSI level is not safe."

Scientists point to one study, conducted for the U.S. Air Force in 1984 by Dr. Arthur Guy, director of the bioelectromagnetics research laboratory at the University of Washington, as suggesting that high-frequency microwaves such as those emitted by radar can cause non-thermal cell changes. In the study

— the findings of which are much disputed within the scientific community — rats chronically exposed to doses of pulsed microwaves at higher levels than those emitted by traffic radar antennas later developed cancer at much higher rates than rats in a control group.

"For the [biological] effects to be significant, we had to lump all of the effects together — the different types of cancers and the different organs they appeared in," Guy said. "Eighteen animals had malignant tumors in the exposed group and five in the control group had these. They all occurred when the animals were relatively old, and if you looked at any one particular type of cancer or organ by itself, it wasn't sig-

nificant. Various people have different opinions on how strong that evidence is, but there's no scientific way that one could use this to conclude that the pulsed microwaves that we used caused the cancers. It would have to be replicated a couple of times." Even so, he added, police radar would not correspond to the types of pulsed microwave signals to which the rats were exposed.

### Research Needed

As Becker pointed out, little is known about the biological effects of low-level microwaves and electromagnetic fields. LEN's inquiries of scientists nationwide found opinion divided on the issue, but many of those inter-



Police officers who once used radar units like this one, installed in New York City police cruisers in the 1950's, may now be at increased risk on developing cancer from the device's radiofrequency and microwave emissions.



# On this it's agreed: studies are lacking

viewed agreed that insufficient research has been done — and that more is needed.

"What seems to be reasonably clear is that there is a potential problem for people who are exposed to the fields on a routine basis — a potential problem in the sense that the risk for disease is greater," said Andrew Manno, president of the International Society for Bioelectricity, a group of more than 100 scientists who specialize in the effects of weak electrical signals on living things. "The other thing I can tell you for sure is that the assumption that there is no increased disease risk is not warranted. It's not solidly based. It's false. It's wrong."

Polytechnic University's Professor Birenbaum also pointed to a lack of conclusive studies linking low-level microwaves and the onset of diseases such as cancer. But Birenbaum, who has worked with Dr. Milton Zaret, a Scarsdale, N.Y., ophthalmologist who documented a link between microwave radiation and the development of eye cataracts, feels the link is not inconceivable.

"Nobody has shown conclusively beyond a shadow of a doubt that this is it — you take a guy and you sit him in a low-level pulsed radar situation for a long time, and bingo, cancer will develop. But there's a feeling I have that [the theory] is right. There's a feeling that leukemias and lymphomas are not unreasonable... if you are exposed to pulsed radar emissions," said Birenbaum.

Scientists on the other side of the argument also point to a lack of studies that prove a link between radar emissions and health effects. Kenneth R. Foster, an associate professor of bioengineering at the University of Pennsylvania, said that as far as anyone has been able to prove, "there's no indication that there's a problem" with the microwave emissions from police radar units.

"Apart from [Guy's study], there's

been no evidence at all. Nor is there any real reason to suspect a problem," said Foster. Yet he cautioned: "From a philosophical basis, you can never rule out that a hazard might exist but there's precious little evidence that anything significant is occurring or is likely to occur. Policemen face a number of significant risks in their occupations

Kusek too added that one "can never prove conclusively that something could never cause harm."

## Epidemiological Study Due

Marino pointed out that a "great deal of ignorance" about the issue ex-

dence at hand, I would think policemen would be very reluctant to use these devices until such studies are made."

At least one researcher is convinced that enough anecdotal evidence exists to warrant an epidemiological study into a possible link between police traffic radar and cancer. Dr. Samuel Milham, who heads the chronic disease

cause. But Milham said sunlight cannot account for the reported occurrences of melanomas inside the eye. "I couldn't imagine that outside light could give you a tumor on the inside of the eye. Radiation could," he said.

"We'll be able to find out what they died of, and when they do die, we'll get the death certificates," Davis said of the morbidity study, adding that it may be more than a year before any initial findings are made. Davis said factors that may complicate research include a low death rate among troopers in the study group and the relative short period of time that radar has been used on a wide scale. "People who have been exposed to radar 20 years ago would just begin to come down with their cancer now," he said.

Considering the lack of currently available data, said Davis, such a study seems to be "an obvious first step" because no links can be drawn on a case-by-case basis. The only way to postulate such a link is to "study large groups of people and see whether the [cancer] rates are elevated" against those of the general population, he said.

## Cops Can't Wait

Law enforcement officials say they don't have time to wait for answers if police officers are indeed becoming

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**"I couldn't imagine that outside light could give you a tumor on the inside of the eye. Radiation could."**

— Dr. Samuel Milham

which they can do something about — and it's not clear that this is likely to be one of them."

Nor did John Osephchuk, an official of the Electromagnetic Energy Policy Alliance in Washington, D.C., feel that concerns over possible hazards from long-term exposure to microwave emissions from police radar units were warranted. "Police radar has been around a long time," said Osephchuk, a researcher for the Lexington, Mass.-based Raytheon Company. "It's been reviewed extensively. It's been looked at by the Food and Drug Administration. All of the authorities are aware of the fact that police radar exists and they've never thought it deserves any regulation."

He maintained that Federal regulatory agencies such as OSHA and the FDA "have remained fairly silent on the issue because compared to many other things in life, that's a very, very small source of energy, especially when you consider that we permit people to use radios that are thousands of times higher."

Kustom Signal's vice president Kusek contends there is no conclusive evidence to show "any correlation between microwave emissions [at levels emitted by police radar devices] and any increase in cancerous effects above that for the population in general." Yet

ists because "no one has ever studied the people who use those devices. The hope I think has been that nobody will get around to doing that because a lot of people are concerned that we might not want to find out what we might find out from such a study."

Paul Brodeur, the author of two books on the possible health effects of electromagnetic fields and microwave radiation, believes there is sufficient evidence about possible hazards to advise police officers "to be very careful about a lot of radar exposure."

"A full-scale investigation of the health experience of policemen who have used the radars should be undertaken," he told LEN. "With the evi-

dent epidemiology section of the Washington Department of Health, and his colleague Dr. Robert Davis, have begun tracking the health histories of more than 1,000 Washington State Police officers who entered the agency beginning in 1960. "There's enough anecdotal evidence to make me curious," said Milham. "It looks like other parts of the electromagnetic spectrum have very potent biologic and carcinogenic effects. I wouldn't expect the radar microwave to be any different."

Some critics of the radar-cancer link contend that some of the melanomas that have stricken police officers could result from exposure to the ultraviolet rays of the sun — a known cancer

## Risk-reduction need not be tricky; simple precautions can be helpful

Given the uncertainty that prevails with respect to possible health hazards from the long-term usage of police radar units, law enforcement officials may be wondering whether potential risks to traffic officers outweigh the benefits of using the devices. But experts maintain that relatively minor adjustments can be made to the units that will greatly reduce any possible health risks.

Above all, experts insist, the units should not be mounted inside patrol cars in such a way that allows transmissions from the antenna to be directed toward the operating officer's head. "If they're mounted up front or on the side or outside [of the vehicle], I think that's probably a whole lot safer," said Dr. Samuel Milham of the Washington Department of Health's epidemiology section, which is conducting a study into the possible link between radar use and the development of cancer.

Norman K. Schmidt, the regional manager of Florida Bureau of Consultation and Enforcement's Division of Safety, warned against mounting the units "behind the operator" and leaving them on "continuously."

A report by Schmidt's agency, which tested the St. Petersburg, Fla., Police Department's hand-held radar guns, advised that police switch to a model with a trigger switch to limit activation times. The units used by the agency — the "Falcon" model from Kustom Signal — are "apparently activated continuously," noted the report, which also cautioned that users should not place the activated devices on their laps between speed checks — a practice that is apparently widespread among traffic officers who use radar guns.



One quick fix that agencies can utilize is to put radar devices outside the patrol car, with beams aimed away from an officer's head.

Dr. Robert Becker, a physician and scientist who has studied the biological effects of electromagnetic fields since the late 1950's, said that potential health risks posed by hand-held radar units are greatly reduced if the unit is used outdoors. But use of the devices inside patrol cars, whose interiors are fitted with metal cages might pose greater risks. As radiation passes through the windshield, Becker observed, "any scattered radiation from the rest of the unit that hits the metallic portions of the car will be reflected inside." The configuration of the vehicle's interior acts as a "tin can... with a glass window at one end," he said, and the result is that the officer is exposed to greater levels of potentially harmful radar emissions.

Safety officials of the Ohio Bureau of Workers' Compensation, who analyzed a radar study done by the Battelle Institute for the Ohio State Highway Patrol, said that holding onto a radar antenna "should never be done," citing the possibility of burns.

Becker and others say that manufacturers should redesign radar units so

that the transmitter is located outside the car, an adjustment that some law enforcement agencies have already made. The Hernando County, Fla., Sheriff's Department took radar antennas that were formerly mounted in the front and back interiors of police cars and relocated them onto the vehicles' light bars. "Our garage people popped off a lens on the light bar and found there was enough room to mount the antenna right there where the lights are. They manufactured a little bracket, placed the antenna on that, put the lens back on — and it works great," said Sandy Shields, a research analyst for the agency.

The \$20-per-unit retrofitting job was done as part of a "precautionary move" — which also included a permanent ban on the use of the agency's two hand-held radar units — undertaken after officials agreed that enough information existed on possible health hazards connected to radar use to warrant "legitimate concern," Shields told LEN.

## The buck starts here:

(LEN's investigation of regulatory responsibility for traffic radar devices at times had some of the hallmarks of the old game of "hot potato," in which everyone tries to avoid getting stuck with the undesirable object when the game ends. Offered below are excerpted samples of the interviews that were conducted; names of individuals have been omitted.)

An official at the National Institute of Standards and Technology says: "NIST does not have the standard; we defer to the ANSI standard. That one in turn is based on an OSHA standard."

An official at the Commerce Department's Office of Law Enforcement Standards says: "Our office is essentially captive to the interests of the National Institute of Justice as it relates to developing standards for a variety of equipment... The only thing we can do is present the data that we have available, refer people to the specifications for that type of exposure and let them draw their own conclusions."

Another official at NIST says: "All we do is simply make the scientific measurements and then we let someone else decide if it's a hazard... There is some work being done at the National Highway Traffic Safety Administration."

An official at NHTSA says: "OSHA will address the issue."

An official at the Occupational Safety and Health Administration says: "I'm sure we have not studied it, nor do we have any standard on it."



Warner:

## First we hang them, then we try them

By John Warner

The near-hysteria that has developed in some quarters regarding the felonies committed by Los Angeles police officers upon the person of Rodney Glenn King is excessive and unjustifiably damaging to the law enforcement profession. Admittedly, the facts as demonstrated by the videotape are compelling, as is the evidence of the subsequent coverup by the officers. In this commentator's opinion, all officers who were at the scene should be charged, including those who stood by and failed to take action against felonies committed in their presence.

However, to indict the whole law enforcement community, and especially to demand the ouster of Chief Daryl F. Gates, is unjust and not based on any factual evidence. The King incident may have been an aberration, as Chief Gates stated, or it may be an indication of a more serious situation of lawlessness among a segment of LAPD officers. In any case, this should not negate the excellent

police work accomplished by the vast majority of the personnel of the department. Those of us who know and respect Chief Gates as a professional law enforcement administrator know that he does not condone the use of excessive force or the falsification of police reports, and, above all, that he is not a racist.

To hold against the Chief an off-the-cuff remark such as "casual drug abusers should be shot" is patently unfair. The statement was obviously made to indicate strongly the need for user accountability. No one in his right mind believes that Chief Gates actually advocates the shooting of addicts. Yet a number of these utterances, perhaps over stated but certainly taken out of context, are now being used to malign the Chief.

The Department of Justice and the FBI are now undertaking an analysis and review of allegations of police violence. Let us withhold judgment until the evidence has been established.

One can offer a few reasons why police profes-

sionalism has suffered in some jurisdictions and, as a consequence, may have given rise to incident like that involving Mr. King.

O. W. Wilson, the dean of American police administration, used to say that "police work should be difficult to get into, and easy to get out of." Both goals are now more difficult to achieve. Affirmative action, as interpreted by the courts, has reduced the effectiveness of entrance examinations and the selection process in general, as well as the process for in-service promotion.

Removal from the department for cause has also been hampered through complicated administrative procedures and subsequent judicial reviews. It is an axiom of police personnel administration that an effective department must have a stringent selection process, a comprehensive training program, adherence to a code of ethics, enforcement of discipline, and an ongoing inspection process. Periodic personnel and performance evaluations, as well as supervision throughout the chain of command, are also essential.

If one or more of these elements is neglected or omitted, the whole process may break down. It is no secret that police administrators in some localities have found it difficult for a number of years to recruit the best-qualified personnel, provide adequate training, enforce discipline, and make good use of a performance evaluation system.

There has also been a change in criminal behavior. Violence is pervasive throughout the country and police officers react to real or potential threats aggressively as a form of self-protection. Sometimes this reaction is excessive or inadvertently directed against a harmless person. Heavy

armaments are, of necessity, now a part of everyday police equipment. Who would have thought 25 years ago that one needed a SWAT team to conduct a drug raid?

Another factor is that greed and corruption is the order of the day. I need not list the individuals, private or public, who appear almost daily in the media accused or convicted of corrupt practices. Law enforcement officers, unfortunately, are no exception. The tremendous amounts of cash floating about in the mire of drug trafficking tempt not only individual officers but also the banker, automobile dealer, prosecutor, judge and politician.

The point in all this is that we are experiencing a general breakdown of morality and ethics and, to a large extent, a lack of compassion and fair-mindedness. This applies to the general population from the highest socioeconomic strata to the average working person. Obviously law enforcement is also affected by this phenomenon.

The remedy is not a blanket indictment of the law enforcement community before the FBI/Justice Department review has been completed. The steps to be taken are a renewed dedication to professionalism, the strengthening of the recruit selection process, continuing to encourage qualified college graduates to enter the police service, the enforcement of discipline, and continued adherence to Wilson's dictum that law enforcement be made difficult to get into and easy to get out of.

(John Warner is retired from the Drug Enforcement Administration, where he served as Director of Foreign Operations.)

## Other Voices

A sampling of editorial views on criminal justice issues from the nation's newspapers

### DUI law's alcohol tolerance is too high

"Do you think you could polish off a six-pack of beer in three hours and then drive safely? Georgia law says maybe you can. A 160-pound man could drink four beers in an hour, then one beer per hour for the next two hours, and still have a blood-alcohol level below the 0.12 that Georgia uses as proof of guilt in drunk-driving cases. Clearly, the law doesn't provide for sure punishment of drunk drivers, just for the drunker ones. In a nation that grants more legal forbearance to drinking and driving than almost any other industrialized country in the world, Georgia is the most lenient regarding blood-alcohol levels in drunk-driving cases. Forty-six states have laws making it illegal *per se* to drive with a certain blood-alcohol level. Forty-one of these states set the level at 0.10. Four states set the level at 0.08. Is it any wonder that while alcohol-related traffic deaths have been declining nationally in recent years they have increased in Georgia? There is ample evidence that the 0.12 blood-alcohol level Georgia relies on is well beyond the point of driver impairment. Compared to other states, Georgia has a DUI law that invites drivers to have one more for the road."

— The Atlanta Constitution  
Feb. 14, 1991

### Foot patrols, so long as they work

"Duly encouraged by the city's experience with foot patrols, Middletown Police Director George R. Aylward is extending the patrols to Westfield, known as 'condo city' for its hundreds of condominium units. Condos usually are not the place to encounter walking police officers, but Mr. Aylward has reason to expect the same success there as in the Long River Village housing project and in the North End and downtown areas. Since the foot patrols were started, he says, incidents of crime, both serious and minor, have been reduced. An officer in a cruiser can react quickly in an emergency, and may be able to apprehend someone who has committed a crime. But an officer can help prevent few crimes unless he leaves the car and spends time getting to know residents, offering advice and gathering tips to learn where trouble is likeliest to occur. A foot-patrol officer is attuned to this approach. Prevention should be a big part of policing. The incidence of stolen cars and break-ins has been high at the Westfield condominiums. Mr. Aylward thinks that just the increased visibility of officers can help reduce the frequency of those crimes. He may be right. It is worth a try. Mr. Aylward should assess the results, and be prepared to shift to car patrols if necessary."

— The Hartford Courant  
Feb. 14, 1991

### A searing message on videotape

"One wonders what story the Los Angeles Police Department would have told had there been no videotape of Rodney Glen King's arrest. How would it have explained his broken ankle, his battered face, the patches of cooked skin on his body? Would 'resisting arrest' have been enough to dispel any questions? Maybe more important, will 'resisting arrest' ever be sufficient again? By now, most of the nation must have seen or heard of the videotape shot by a nearby resident as King, a 25-year-old parolee, was arrested on a Los Angeles street after what the police said was a high-speed chase. Viewing it is roughly akin to watching a wolfpack take down a deer. Instead of fangs and claws, however, the officers used an electrical stun device and nightsticks, raining as many as 56 blows on King, including many while he was prone on the ground and helpless. For a society that wants and needs to think of its police as protectors, the unforgiving evidence of the camera seemed to come as a revelation. But to many people in minority communities, the tape provided confirmation of what they say is persistent abuse at the hands of the police — abuse that even tough rules against excessive force have been unable to eradicate. Chicago Police Supt. LeRoy Martin said he would like to see the L.A. videotape employed to teach officers here what not to do in making arrests. It's hard to imagine why they would need such a graphic example. Besides, the real point can be communicated much more simply: 'Smile and behave yourself. You may be on candid camera.'"

— The Chicago Tribune  
March 11, 1991

### Raschke:

## The distortions of "cult apologists"

By Carl Raschke

Ever since local law enforcement began to encounter evidence of what has come to be called "occult-related crime" midway through the last decade, the controversy over the true extent and character of the problem has swelled, and finally burst, with black bile like the entrails of some slimy entity from the outer limits.

What began as an honest effort by some police — and not a few social workers and psychotherapists — to "network" and to help each other understand a puzzling, rapidly growing phenomenon, turned almost overnight into a rowdy stage show of sensationalism and mudslinging.

The sensationalism has come and gone, as newspaper editors and network producers seem to have tired of taking one more "shocking look" at juveniles in Pasadena displaying the devil's sign at a rock concert, or alleged baby sacrifices in rural Pennsylvania.

Yet just as the media has gained a sense of balance and objectivity about what is happening, a loose national assembly of "cult apologists," many of whom have thin academic or professional credentials, have cranked up their own media campaign to discredit the issue entirely.

The motives, if not the alliances, of the apologists are far from clear. But their use of what amounts to dubious methods of persuasion is unmistakable.

A case in point is an op-ed article by Donald Sills that appeared in the Dec. 15, 1990, issue of Law Enforcement News. Titled, "Bedeviling Questions About Workshops," the article scurrilously seeks to tar all serious investigators of cult-related crime as bigots and deviants, which of course is absurd.

The article starts out by citing a "lunatic sex scandal" surrounding one Michael G. Rokos, "an

official of the Cult Awareness Network," who has allegedly been involved in "satanism workshops." The weird and unseemly logic of the article progresses as follows: Rokos was allegedly convicted in 1982 "for soliciting perverted sex from a young undercover policeman posing as a teenager"; Rokos had supposedly been active in a major anti-cult organization; Rokos had participated in seminars on satanism; therefore, information dispensed in the hundreds of seminars on satanism around the country is unreliable, and, if done at taxpayer expense, is a waste of public money.

In an introductory philosophy course such reasoning would be given the grade of "F" as a most noxious example of faulty implication, ad hominem argument, scandalous insertion of "red herrings" or glaring irrelevancies, and disjointed chains of inference. The author of the piece, a Baptist minister, falls to the very low level of sophistication and rationality the cult apologists display.

The small number of apologists engaged in the assault usually quote each other, while citing a handful of "cases" that demonstrate the "satanic panic" is unfounded and frivolous at the same time. The "cases" they usually highlight, however, have never been taken seriously by police officials and rarely even appear in the newspapers, while such monumental and well-documented

(Carl A. Raschke, Ph.D., is Director of the Institute for the Humanities and a professor of religious studies at the University of Denver. He is the author of "Painted Black: From Drug Killings to Heavy Metal, the Alarming True Story of How Satanism is Terrorizing Our Communities," published in 1990 by Harper & Row.)



# Baltimore city, county try the team approach to domestic violence

Continued from Page 1

each jurisdiction to exchange information about active and closed protections and ex parte orders — in which defendants are ordered to stay away from the victim for a period of time prior to a hearing before a judge. They have also pledged to work cooperatively to ensure service of ex parte orders within five days and promptly serve protective orders across jurisdictional lines.

The agreement arose from meetings, begun 18 months ago, of the Domestic Violence Coordinating Committee, which is composed of representatives of all of the social and criminal justice agencies charged with dealing with the problem, Keyser told LEN.

The parts of the agreement concerning the police are among its most important, she added, since police officers are generally the first to respond to a report of domestic violence. That response often serves as the victim's first impression of the criminal justice system, she noted, and the agreement "heightens public awareness that the police are trying to be really sympathetic and sensitive to victims."

"Any kind of agreement between jurisdictions also causes the officers to become more sensitive to this type of issue. They realize that their bosses know this is important and it makes them also realize that it's important," said Baltimore city police Capt. Margaret Patten, who will serve as a liaison between the city and county police agencies. "When they realize it's important to us, then they work a little bit harder at it — and they're a little more sensitive to it."

Capt. Tom Burke of the Baltimore County Police Department's Criminal Investigation Unit said the agreement will break down jurisdictional barriers that often prevent effective intervention in domestic violence cases, particularly those involving repeat offenders. Ex parte orders and orders of protection can now be served more easily across city-county lines than ever before, he noted.

"Traditionally, governments are generally not set up to handle things that quickly so we had to come up with a way of being able to do these in a more timely fashion," Burke said in an interview with LEN. "Now we can just pick up the phone, call somebody, and know that we'll be taken care of right away."

The Baltimore County Police Department, whose Spouse Abuse Unit receives about 5,000 domestic violence calls each year, with about 10 percent of them resulting in arrest, has developed a list of 50 top repeat offenders. The list will be shared with the city police department, which will similarly share a list it plans to develop, allowing the agencies to track repeat offenders when they move between jurisdictions. Dispatchers will inform officers responding to domestic violence calls about repeat offenders, enabling officers to be aware of the offender's violent past, said Burke. It will make prosecutors aware of the repeat offender status of defendants, he added.

Jann Jackson, associate director of the House of Ruth, a full-service domestic violence program that provided shelter, counseling, legal assistance and other services to about 7,000 women last year, said the agreement will allow

the two jurisdictions to strengthen their responses to domestic violence and share their strengths in areas where the other is lacking. "For example, in the city, we have a very pro-prosecution policy and a staff specifically earmarked for the handling of domestic violence cases. And that strengthened the city system. In the county, they've been reluctant to adopt that kind of prosecution posture. Now, as a result of the dialogue between the two state's attorneys' offices, they made an agreement to vigorously prosecute these cases," she told LEN.

The Baltimore County Police Department has a mandatory reporting requirement on domestic violence cases, which the city did not have. The result is a "gross underestimation" of domestic violence cases in the city, but as a result of the agreement, the city has agreed to code 911 calls in an attempt to glean better statistics — and therefore, a better idea as to the extent of the problem.

Jackson said that sharing the list of repeat offenders will enable authorities to "really go after some of the more violent men in both jurisdictions."

"Without this kind of cooperation, something as little as a county line prevents legal sanctions in one jurisdiction from being applied five miles over the line where the person is living and where the problem is. We felt that by having this joint agreement, it would really increase the chance that if a victim went to either place for help she would get cooperation in her immediate area. It just removes one more obstacle that the victims face as they try to protect themselves," she said.

Jackson said she hoped the agreement might have a "piggy-back" effect that would encourage other jurisdictions in the greater Baltimore area to forge similar joint efforts against domestic violence. "This is one crime that we can stop, but only when there is really close coordination between justice and agencies," she said.

# Cooperation can light a fire under arson investigations

By Stephen Goldsmith

Arson is one of the least understood yet most devastating of property crimes. When compared to such crimes as burglary and theft, it affects its victims in a much more

significant way, often destroying homes, personal belongings, even lives.

## Making The Case: An Insider's Look at Police/Prosecutor Relations.

Ninth in a series.

Despite the serious impact this crime has on its victims, it is often poorly investigated due to infighting and territorial disputes between police and fire departments. Equally unfortunate is the reluctance of many prosecutors to pursue cases that have been investigated. There are a variety of reasons for their reluctance, including a lack of understanding of the seriousness of the crime, an absence of direct evidence, and cases that are not completely investigated or prepared before they are presented for screening.

Given the financial impact of arson, the increasing incidence of arson insurance fraud schemes, and the propensity for arson investigations to become lost among higher priority property-crime investigations, the police department and fire department should combine their respective investigative resources into one unit, under the control of a single commander who reports to both the police chief and the fire chief. New Haven, Conn., initiated such a joint approach years ago.

This action sends a message to the community, the insurance industry, and to the arsonists. Good fire investigations will no longer "disappear" amid other property-crime investigations, and blaming "the other" agency for stymied investigations will cease. Fire investigators learn about police procedures, and police investigators learn about fire procedures. Together, police and fire investigators teach one another about their respective areas of expertise. The addition of a specially trained arson prosecutor, as was done in Indianapolis, also increases felony case filings.

Having one person responsible for the cases eliminates much of the communication problem that had existed, provides consistent case screening, and allows an educational relationship to develop between the prosecutor's office and those investigating arson cases. Perhaps the greatest single benefit is the cure for the "felony filing friction" that has been addressed by this column before: an explanation of why a particular action was taken (or not taken). Arson is a furtive crime, the prosecution of which often relies heavily on circumstantial evidence, and al-

ways requires the testimony of at least one expert witness.

Many jurisdictions do not have the resources to dedicate and train a specialized lawyer. Consequently, arson investigators will have to add an additional factor to their investigations: educating the prosecutor. The investigator will have to be able to explain how the fire started. Possible accidental causes must be eliminated, witness statements will have to be taken at the time of the fire, evidence will have to have been properly preserved, and the reports, diagrams, and photographs will have to be put in order before presenting the case for screening. Outright arrests on arson cases should be discouraged. This will allow detectives greater flexibility in pursuing additional information, especially that which requires a warrant or subpoena.

Success can be achieved, however, without a restructuring of departments. The critical elements that must be established are cooperation and communication. The identification of a detective, or squad of detectives, who will work arson cases is an important first step. The establishment of a dialogue between these detectives and the fire department is the next step. This dialogue facilitates the exchange of information and ideas, and can eliminate the problem of investigations that die for lack of follow-up.

If arson investigation is to be successful, law enforcement must take responsibility and share the initiative in changing the age-old belief that "arson is the fire department's problem, not ours." While the fire department is usually first involved in the suppression of the fire, and often in the subsequent investigation, law enforcement has an obligation to participate in arson investigation as vigorously as it does in any other criminal investigation. This is simply because arson is a crime. Experience has shown time and again that in any criminal investigation, the greater the degree of training, information collection, and cooperation, the greater the degree of success in limiting the occurrence of that type of criminal activity, and the better the quality of life is for the citizenry. Given the toll that an arson fire takes on its victims, particularly in revenge and domestic fires, there is an affirmative duty for law enforcement to act to mitigate these losses.

Now is the time to develop these cooperative approaches toward all criminal investigations, especially those, such as arson, whose incidence is directly related to the economy.

(Stephen Goldsmith is a former three-term Prosecuting Attorney of Marion County (Indianapolis), Ind. He is a research fellow at Harvard University's Kennedy School of Government.)

## "I USED TO BE A COP"

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# The must-see story of a corrupt cop

## "I Used To Be A Cop."

Produced by John Jay College of Criminal Justice/CUNY.

Directed and edited by Peter Blum.

Script by Paul Brenner. 17 minutes. VHS format.

By Robert J. Louden

Police corruption, which manifests itself in a wide variety of activities, is probably as old as organized policing itself. Whether isolated and individualized or systemic and deeply rooted, police corruption breeds concern not only within the criminal justice system but within the community that is victimized by the dishonest acts.

The New York City Police Department has had more than its share of scandal during its history but until the late 1980's had not experienced a major corruption scandal in the more than 15 years since the Knapp Commission investigation chronicled systematic activities which were accepted by far too many, inside as well as outside the department. As a result of commission's investigation, the department undertook a major revision of policies and practices that might have fostered an atmosphere conducive to corruption.

An antonym for investigate is ignore, and the NYPD was determined not to ignore the problem of corruption within its ranks again. Among the new anti-corruption methods adopted was a combination of decentralized investigation into local reports of problems, by field internal affairs units, coupled with an enhanced citywide Internal Affairs Division which, among other things, self-generated cases and randomly

conducted parallel investigations into situations that a field unit might already be examining. The state also stepped in by creating a special prosecutor for the criminal justice system—a corruption prosecutor. The special prosecutor in the present case was Charles J. (Joe) Hynes, who is now the District Attorney for Brooklyn, N.Y. The elected district attorneys of the five counties that comprise the city also enhanced their capabilities to deal with police corruption.

With these few comments as backdrop, one must always remember that within the best of organizations there will always be corrupt individuals who will act alone and may also be capable of corrupting others. It was the policies and procedures implemented as a result of pre-Knapp Commission scandals that insured that another major case could develop and that the police perpetrators would be brought to justice.

On Sept. 23, 1986, a lengthy investigation into allegations of corruption within the city's 77th Precinct in the Bedford-Stuyvesant section of Brooklyn was made public with the suspension of 13 targets of the investigation, all New York City police officers. The investigation had been conducted by the special anti-corruption prosecutor and the Internal Affairs Division of the New York City Police Department. The brief video that is the subject of this review is the partial story of one of those individuals, former police officer William Gallagher, who agreed to a lengthy interview with one of the prosecuting attorneys. Their several-hour session has been edited into a 17-minute portrait, "I Used To Be A Cop." (Numerologists may find some fascination with that number 17. Beyond the video's running time, one also finds that Gallagher had been a cop for 17 years and there were originally 17

police officers involved in the scandal.)

Before giving some objective and subjective comments on this tape, I will offer a basic recommendation. This video must receive the widest possible distribution to police departments, academies, and colleges that include law enforcement and criminal justice studies in their curriculums. Officers, cadets and students looking forward to police work should all be exposed to the harsh realities of their chosen profession. Since we cannot all meet firsthand with a repentant corrupt cop, his story on video is a must.

William Gallagher did not start out to be a crooked cop. During his career, which ended in disgrace, he earned 35 citations for bravery and outstanding police work. The beginning of the tape aptly summarizes that part of his life with a closeup of a newspaper article which proclaims that he helped "rescue tots from dad on ledge," complete with smiling photograph. Later in the video is his now-unsmiling face, again appearing in the newspaper, in connection with his arrest on an 87-count indictment. In fact, most of the tape is William Gallagher's face and voice narrating his life gone bad. There are no smiles, there are a few tears.

Gallagher's message is a simple one: corruption is just not worth it. Although he did enjoy the money he "earned" from guns, drugs, robbery and burglary, he reflects that it became more like a game that he let "get out of hand." He observes that corruption is a "slow process," a "growing thing" in which you tend not to think of the consequences. He admonishes the viewer not to succumb to negative peer pressure to belong, but goes on to suggest that the internal mechanism that may help to keep police honest is too easily eroded by seemingly innocent acts such as free meals, unnecessary absences from

duties during a tour and accepting money for actions which in fact are part of normal responsibilities.

Between the time of his exposure and his sentencing to a term of 2-1/2 to 7-1/2 years in state prison, Gallagher says, he contemplated suicide. He dedicates the message of this tape to the memory of his partner, who did more than consider suicide—he shot himself to death in the loneliness of an out-of-season beachfront motel room.

This short video is long on messages. As noted earlier, police officers from rookies to old-timers will benefit from viewing and discussing the videotape—as will college students, for that matter. There is also ample food for thought for law enforcement administrators and government officials who share in the responsibility and accountability for the actions of police officers. The "significant others" who play important roles in a police officer's life can likewise profit by knowing what may be happening in an officer's life.

(To put the videotape in a current context, interesting parallels may be drawn between the types of corruption that are dramatically presented in this story and the unfolding news of police brutality in various parts of the country. Excessive force by police, after all, is but another form of corruption.)

The stark nature of "I Used To Be A Cop" is its strongest point. The director avoided using unnecessary hype, he let the personal drama speak for itself. The video dramatically but appropriately utilizes freeze-frames, street footage, and a striking reading of part of Gallagher's deceased partner's notebook to drive the message home.

Of course, one consideration in reviewing a work such as this is trying to understand the motivation of the subject. How can one measure the sincerity of the public confession? All too

often, corrupt police "get religion" when discovered in order to ease the consequence of their problem. I do not know if William Gallagher received any special consideration in exchange for this hard-hitting disclosure. I first met Gallagher after he had served part of his prison sentence and was in a state correction work-release program. He seems sincere. However, I declined to trust my own judgment on this important issue because of the circumstances under which I met him. I viewed "I Used To Be A Cop" four times in preparing to write this review. On one of those occasions I was joined by an individual who knew William Gallagher as a corrupt cop. Insp. Ralph M. Dumond, now retired and teaching criminal justice in rural Minnesota, was sent to command the 77th Precinct at the height of the special prosecutor's investigation. He knew that several of his officers, including Gallagher, were suspect but had to behave as if he knew nothing. After viewing the tape, he concurred in my belief that Gallagher appears straightforward. I thank the inspector for his insight.

This story, "I Used To Be A Cop," was taped prior to the start of Gallagher's prison sentence. An obvious sequel should be a similarly presented update of a cop's life in prison and re-integration into society, not only as an ex-con but also as an ex-cop.

(Robert J. Louden is Associate Director of the Criminal Justice Center at John Jay College of Criminal Justice/CUNY. He retired as a Detective Lieutenant after 21 years with the New York City Police Department, where he was the department's Chief Hostage Negotiator.)

## Cops want Federal action on radar hazard

Continued from Page 9

needlessly ill. Several leaders of national law enforcement organizations are calling for action now. Dewey Stokes, national president of the Fraternal Order of Police, said he is convinced that microwave emissions from police radar units are causing skin and blood cancers.

"We don't have anything to make us disbelieve it at this point—and we are going to pursue it," he vowed, adding

that he will push for Federal intervention in the matter. "We want our guys to be safe, and if there's something that we can do to prevent this, that's what we want to do."

An official of the International Association of Chiefs of Police (IACP) said the problem is too complex and research into it would involve a financial commitment far beyond what IACP could. "I suppose that to do adequate research in that area would take mil-

lions of dollars," said Ron Sostkowski, director of IACP's Division of State and Provincial Police. "We don't have the resources to do that and I don't know who does. It would really have to be the Federal Government."

Darrell Stephens, executive director of the Police Executive Research Forum (PERF), said the organization recently received a letter from Chief Curtisling of St. Petersburg, imploring police organizations to take up the

issue. Stephens said the letter will be presented to the Law Enforcement Steering Committee, a coalition of 13 national law enforcement organizations that studies issues affecting law enforcement on a national scope, to urge Federal action on the issue.

"If we can't interest the Federal Government in doing research on that issue, there's not much of a possibility of us being able to get it done," said Stephens. "They're the only ones who can hire the kind of expertise who can really look at that in a comprehensive and serious way."

### Will the Feds Act?

But whether the Federal Government will act remains to be seen. Last year, a controversial draft report by the Environmental Protection Agency identified extremely low frequency electromagnetic fields as "probable human carcinogens." That assessment was deleted from the EPA study, reportedly under pressure from the White House. The EPA staff also recommended that radiofrequency and microwave radiation be designated as "possible" carcinogens.

Of the EPA report, Lou Slesin, editor of Microwave News, said: "There's enough there to be extremely provoca-

tive. And when you combine it with the cases that [Ohio trooper] Poynter has collected, it begs further attention—and I'm worried that it won't get it." Slesin said he bases his opinion on the track record of the Federal Government on the overall issue of possible health risks from exposure to electromagnetic fields.

Chief Curtisling expressed similar feelings. "It occurs to me—based on the data we have right now—that the military, the Federal government and the private industry folks have got so much at stake, I believe that if even if they thought it was harmful, they probably wouldn't tell us," he said.

At press time, Curtisling had not decided whether to allow his officers to use radar again, saying he wants to give his officers a chance to air their opinions on the matter. "We've been able to find theoretical experts that will almost justify any decision you want to make, depending on what side of the fence you're on. I find that rather appalling because it's not their asses that are hanging on the balance. It's my police officers, and before I put mine back out on the street, I want to know exactly what the heck I'm doing because I don't want to put my people in any kind of jeopardy."

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# Criminal Justice Library

*When the going gets tough:*

## The advance of the justice juggernaut

**The Justice Juggernaut.**

By Diane R. Gordon.

New Brunswick, N.J.: Rutgers

University Press, 1990.

243 pp. \$24.95.

By Rose Pelligra

"The Justice Juggernaut" provides a critical analysis of what its author terms the "get-tough" trend and its partner in crime-fighting, "coercive control by observation." The basic thrust of the author's argument posits that as lawmakers and policymakers respond to public pleas for greater suppression of crime, defendants' rights, as well as the privacy of individuals outside the criminal justice system, are severely narrowed. Conventional measures of control, such as expansion of police forces and prisons, are abandoned as impractical, and surveillance, compu-

tenized record systems and tracking methods are employed, allowing the criminal justice system to broaden its reach considerably.

Although many of the get-tough policies are fueled by public demands, Gordon also points to a more subtle influence, namely "symbolic politics." Symbolic politics refers to the notion that "[I]t hardly matters that the recourse to punishment has not been effective at solving the street crime problem. . . . Messages of dread have been sent; messages of appeasement have been returned." Consequently, surveillance programs flourish, and with them, an attitude that implies that such controls are acceptable, reasonable and imperative.

But Gordon emphasizes that "the ever more pervasive intrusions and coercions of police, courts and corrections" are simply not effective agents

for the successful reduction of street crime. Instead, "a harsh, expansive criminal justice system tars many who are not the criminals we fear."

It appears that Gordon's image of today's criminal justice system as a juggernaut is an accurate one. Indeed, it is a massive advance force crushing anything in its path. Referring to Jeremy Bentham's panopticon, Gordon asserts: "Such an image has no boundaries, the warden becomes boss, landlord and banker. And then, our fundamental autonomy is compromised, we are all enclosed in an electronic panopticon." Furthermore, this uncontrolled growth in unaccountable state power has been without a corresponding reduction in street crime.

Perhaps, she suggests, it would behoove us to focus less on crime as the product of individual choice and more on the defective ideologies and politi-

cal economy that prevent us from "creating and sustaining a peaceful, protective society."

Throughout "The Justice Juggernaut" the message is clear and simple: the public wants its leaders to get tough on crime but there are insufficient resources for conventional methods. Therefore, we turn to intrusive observation techniques, broadening the scope of criminal justice to levels beyond which it should not go. As a result, the rights of defendants are limited, the privacy of individuals is impinged upon, and perhaps most disturbingly, street crime continues, undaunted by such efforts.

While Gordon's points are well taken, one wonders why it took her nearly 250 pages to articulate them. Although she painstakingly lays the groundwork for each argument, too often her lengthy historical backdrops

and technological explanations detract from the key points she attempts to make. By the time the reader is able to extract the pertinent information, he has either forgotten what the last chapter was about — or has fallen asleep on the couch, book in hand.

Despite such drawbacks, however, the book is a good one, highlighting an important phenomenon in today's complex and dynamic criminal justice system. Certainly, the events taking place in the area of surveillance and in related arenas are worthy of our attention and beckon our concerns. Perhaps future works will be less verbose and will address these issues in a more condensed, concise manner.

(Rose Pelligra is a graduate assistant in the criminal justice administration program at San Diego State University.)

*Double your pleasure:*

## Solo or in tandem, 2 worthwhile works

**Policing Urban America.**

By Geoffrey P. Alpert and  
Roger G. Dunham.

Prospect Heights, Ill.: Waveland  
Press, 1988.

**Critical Issues in Policing:  
Contemporary Readings.**

By Geoffrey P. Alpert and  
Roger G. Dunham.

Prospect Heights, Ill.: Waveland  
Press, 1989.

By Walter M. Francis

These two contemporary works on the subject of policing are arguably the best currently available for use by police practitioners and students of policing. They perform very well standing alone or are excellent in the classroom when used in tandem. The volumes' combination of practical policing experience with a solid academic understanding of the issues surrounding policing today provides novice and expert alike with an up-to-date analysis of policing in American society.

"Policing Urban America" provides the reader with a concise presentation of topics relating to the academic study of policing. These topics include history, personnel, management, subcultural studies, deviance, styles, hazards and the future of the subject. The authors have provided sufficient information and data about all of these areas without making the work too cumbersome. Students in a college or police academy setting, or officers desiring more information about their profession for intellectual or professional reasons, will be well served by this excellent basic text.

"Critical Issues in Policing" provides a comprehensive analysis of the major problems facing modern policing. The major topics presented in the first work are also covered here. In the classroom, this volume can serve as a very useful companion to "Policing Urban America" since it provides spe-

cific articles from the very best sources available today. The major emphasis in this work is the utilization of current and past research in the field of policing and applying the findings to today's world of police work. The concept of community-oriented policing is developed in both works with specific linkage to this subject, with articles prepared by authors having the very best academic credentials and study into this highly pertinent subject.

The work is very appropriate as a reader for students in basic college-level law enforcement courses or for use in more advanced courses to stimulate thought and discussion into the problems facing the police in American society. It also should be utilized by police officers and managers to gain an understanding of the problems they are facing now and will face in the future. Those taking promotional exams would certainly be well-advised to read this volume in order to become thoroughly conversant with the major issues affecting contemporary law enforcement.

The authors of these two works have succeeded in producing a complementary text and reader for both the criminal justice student and the law enforcement practitioner. They are best utilized together in order to present the reader with a basic knowledge of policing, and then the more detailed analysis found in the reader. However, either stands alone quite well, depending on the purpose the reader requires. Specifically, law enforcement educators and trainers should take notice of these works and integrate them both into their courses and training sessions. The works successfully fill the longstanding need for a text and a complementary reader in the basic subject of policing. The authors should be applauded for these two high-quality, eminently readable works.

(Walter M. Francis is an assistant professor of criminal justice at Central Wyoming College in Riverton, Wyo.)

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By Peter and Deirdre Strawbridge

Extensive data on scores of major city and county police departments has been organized into a straightforward, easy-to-use format, focusing on current practices in recruitment, selection and initial training. The work provides agency and community profiles, and examines working conditions, race and gender of officers, the use of various testing methodologies in the selection process, the length and nature of the training process, length and conditions of probation, field training, and much, much more.

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To apply, send resume by May 1, 1991, to: Police Chief, Colonial Beach Police Department, 10 Irving Ave., Colonial Beach, VA 22443.

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## Beware the "cult apologists"

Continued from Page 10

public counter-instances as the trial of Richard Ramirez, the Los Angeles serial killer dubbed as "the Night Stalker," are totally ignored.

The problem of occult-related crime can go well beyond grave-robbing and vandalism. Last September, according to press accounts, a New Orleans teenager allegedly shot a 59-year-old black woman to death at a stop sign because she was driving too slowly. The white teenager, police said at the time, sported "several tattoos with white supremacy and satanic messages."

One of the most notorious documents of disinformation cited by the cult apologists is a book titled "Satanism in America. How the Devil Got More Than His Due." The book was originally authored on behalf of a seemingly august body that calls itself the "Committee for Scientific Examination of Religion" (CSER) out of Buffalo, N.Y.

But closer examination has shown that the "committee" can be characterized in much the same manner that the philosopher Voltaire waggishly described the Holy Roman Empire. It was "neither holy nor Roman nor an empire," he said. In this instance the committee has about as many "scientific" credentials as Voltaire's "empire" had Romans.

The primary author of the book is Shawn Carlson, who is routinely identified in press accounts as a "physicist," but whose business card gives a more colorful impression. Among the services his card advertises are "margantas mixed," "miracles reproduced," "col-fins repossessed," "elephants bred," "revolutions started," "porn stars interviewed" and "virgins converted." It is not exactly the kind of self-representation one would expect of an academic physicist.

Co-author D. Hudson Frew is another interesting illustration of a "scientific" expert. In a booklet published in 1989 titled "Witchcraft, Satanism and Ritual Crime: Who's Who and What's What: A Manual of Reference Materials for the Serious Investigator," Frew is identified as "an independent consultant assisting CSER with its investigation into Satanic crime" and "a

Wiccan Priest and Elder" serving on the board of an organization known as "the Covenant of the Goddess."

When I met him at a talk at the Diesel Bookstore in Berkeley, Calif., Frew was wearing a five-pointed star, or pentagram, the symbol of witchcraft and earth magic.

"Satanism in America" is published by an outfit called Gaia Press with a post office box in El Cerrito, Calif., which Carlson admitted to me was his own operation. "Gaia" is the title of a mythical earth goddess and is shared as a trade name with the Gaia Bookstore in Berkeley, a prominent New Age establishment that specializes in works on wicca.

In an advertising brochure for his "study" on satanism, Frew challenges "a number of individuals, often with hidden religious agendas, from making their livings by informing our legislators, therapists, and law enforcement personnel that satanism is a growing threat to our society and our children."

One wonders if Frew, and others, have not acknowledged their own "hidden religious agendas" which they laughably term "scientific." Witchcraft, a religion of magic, is about as unscientific as one can get.

Furthermore, while condemning as "non-experts" the well-known psychologist, Catherine Gould, former police captain Dale Griffiths, and psychiatrist Lawrence Pazder, the book singles out as a true "authority on satanism" one Zeena LaVey, daughter of Anton LaVey, founder of the Church of Satan. Zeena's biography, which appears in a flyer for the Los Angeles-based publisher Feral House under the heading "Sex Tips from Satan," simply portrays her as "a full-grown temptress in her early 20's."

The sad truth is that while popular satanism of the disorganized society has become a very serious problem in American society, primarily as a side effect of drug trafficking and abuse along with child sexual exploitation, the current carnival of seminar-bashing and expert-trashing has obscured the real challenge. It is high time responsible and accredited professionals stepped into the ring and cleaned the blood off everyone's nose.

## St. Louis-area police push speed compliance

Continued from Page 7

enforcement agencies to look for an interjurisdictional approach to a problem that challenges them all. "What we did was send out notices to all of the police departments in the area, asking them to join forces with us to start Operation Gateway," said Klein. Virtually all of them accepted and planning for Operation Gateway began in earnest last August. Representatives from all 14 participating agencies meet once a month to gauge the program's success and discuss strategies to make it more effective, said Klein. Jung termed the level of interagency cooperation "fantastic."

The program will continue through 1991, said Klein, and if deemed effective, "Operation Gateway may become a permanent part of speed enforcement in the area. Jung said plans are already

afoot to expand the project beyond the St. Louis area. On April 24, he said, Missouri and Illinois state troopers will enforce speed limits along a "designated highway or highways that will encompass our entire states."

"The entire Missouri State Highway Patrol will be enforcing the speed zone very strictly on Interstate 70, for example, from the Kansas border all the way through the state to our state line," said Jung. "We will pick up the [Mississippi] river all the way across the entire state over to our eastern border."

Jung added that efforts to enforce seat-belt usage may also be made under the banner of Operation Gateway, and St. Louis-area motorists could expect to see "some very strict occupant-restraint enforcement" in the coming months.



# Upcoming Events

## MAY

**1-2. Communication Center Call-Taker/Dispatcher Telephone Interview Techniques.** Presented by the University of Delaware. To be held in Charleston, W. Va. Fee: \$275

**1-2. Interviewing the Sexually Assaulted or Abused Child.** Presented by the University of Delaware. To be held in New Castle, Del. Fee: \$300.

**1-4. Personal Protection.** Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$65

**2-3. Communication Center Emergency Planning.** Presented by the University of Delaware. To be held in Richmond, Va. Fee: \$275

**2-3. Cults & Ritualistic Abuse.** Presented by Community Program Innovations. To be held in Boston

**6-7. Police Interview & Interrogation.** Presented by the University of Delaware. To be held in Cherry Hill, N.J. Fee: \$300

**6-7. New Technologies & Application for Emergency Communication Centers.** Presented by the University of Delaware. To be held in Fort Fisher, N.C. Fee: \$400

**6-8. The Reid Technique of Interviewing & Interrogation.** Presented by John E. Reid & Associates. To be held in Houston. Fee: \$495

**6-8. The Reid Technique of Interviewing & Interrogation.** Presented by John E. Reid & Associates. To be held in Rochester, N.Y. Fee: \$495.

**6-8. Targeting Crimes Against the Elderly: Prevention, Investigation & Prosecution.** Presented by the Florida Crime Prevention Training Institute. To be held in St. Petersburg, Fla. Fee: \$175

**6-10. Homicide Investigation.** Presented by the Institute of Police Technology & Management. To be held in St. Augustine, Fla. Fee: \$395

**6-10. Police Traffic Radar Instructor.** Presented by the Institute of Police Technology & Management. To be held in Phoenix, Ariz. Fee: \$395

**6-10. Tactical Techniques for Drug Enforcement.** Presented by the Institute of Police Technology & Management. To be held in Pensacola, Fla. Fee: \$475

**6-10. Applied Statistical Analysis for Law Enforcement.** Presented by SEARCH Group Inc. To be held in Sacramento, Calif.

**6-10. Child Abuse Intervention, Referral & Investigation.** Presented by the Delinquency Control Institute. To be held in San Francisco.

**6-10. Undercover/Confidential Informant Operations.** Presented by the Broward Sheriff's Office Organized Crime Centre. To be held in Fort Lauderdale, Fla. Fee: \$400 (in-state); \$450 (out-of-state).

**6-17. Crime Prevention Technology & Programming.** Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$615

**6-17. Traffic Accident Reconstruction.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$595

**6-17. Police Executive Development Institute.** Presented by Pennsylvania State University. To be held in University Park, Pa. Fee: \$740

**6-17. Technical Accident Investigation.** Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$700

**7-8. Use of Supervisory Principles within Communication Centers.** Presented by the University of Delaware. To be held in Brewster, N.H. Fee: \$275

**9-10. The Reid Technique of Interviewing & Interrogation.** Presented by John E. Reid & Associates. To be held in Chicago. Fee: \$345

**9-10. Public Safety Radio Dispatchers' Seminar.** Presented by the University of Delaware. To be held in Wilmington, Del. Fee: \$275

**9-10. Fire & Arson Investigation.** Presented by the University of Delaware. To be held in Cherry Hill, N.J. Fee: \$275

**9-10. Interviewing the Sexually Assaulted or Abused Child.** Presented by the University of Delaware. To be held in Brewster, N.Y. Fee: \$300

**13-14. Interviewing the Sexually Assaulted or Abused Adult Female.** Presented by the University of Delaware. To be held in Wilmington, Del. Fee: \$300

**13-15. Understanding Body Movement in the Interview/Interrogation Process (Basic Program).** Presented by the University of Delaware. To be held in Pensacola, Fla. Fee: \$400

**13-15. Managing Your Department's Training Operation.** Presented by the University of Delaware. To be held in

Richmond, Va. Fee: \$350

**13-17. Tactical Operations I.** Presented by the Institute of Public Service. Fee: \$500.

**13-17. Interviews & Interrogations.** Presented by the Institute of Police Technology & Management. Fee: \$395

**13-17. Investigation & Inspection of Commercial Vehicle Accidents.** Presented by the Institute of Police Technology & Management. To be held in Tallahassee, Fla. Fee: \$450

**13-17. Managing the Police Training Function.** Presented by the Institute of Police Technology & Management. To be held in Orlando, Fla. Fee: \$395

**13-17. Using dBase Language Databases in Law Enforcement.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$575

**13-17. Fundamentals of Courtroom Testimony for Polygraph Examiners.** Presented by the Department of Defense Polygraph Institute. To be held in Fort McClellan, Ala.

**13-17. Internal Affairs.** Presented by the Southwestern Law Enforcement Institute. To be held in Dallas. Fee: \$195 (SLEI member); \$295 (non-member)

**13-24. At-Scene Traffic Accident Investigation/Traffic Homicide Investigation.** Presented by the Institute of Police Technology & Management. To be held in Sarasota, Fla. Fee: \$575

**13-24. Police Motorcycle Training.** Presented by the Northwestern University Traffic Institute. To be held in Milwaukee. Fee: \$1,000

**13-24. Supervision of Police Personnel.** Presented by the Northwestern University Traffic Institute. To be held in Evanston, Ill. Fee: \$700

**14-15. The Reid Technique of Interviewing & Interrogation.** Presented by John E. Reid & Associates. To be held in Kansas City, Kan. Fee: \$345

**15. Civil & Vicarious Liability of Law Enforcement Agencies.** Presented by the University of Houston-Downtown Criminal Justice Center. To be held in Houston. Fee: \$35

**16-17. Use of Supervisory Principles within Communication Centers.** Presented by the University of Delaware. To be held in Wilmington, Del. Fee: \$275

# Agencies brace for impact of disabilities act

## Continued from Page 1

illegal use of drugs...or [have] otherwise been rehabilitated successfully" cannot be excluded from consideration for jobs by an employer. It follows under the ADA that former addicts cannot be discriminated against because addiction is considered a disability. Former addicts would have to fall "within the definition of a qualified individual with a disability," said Snyder. "They have to show that at the time they were using drugs, they had a physical or mental impairment that substantially limited a major life activity. But just because somebody is a former illegal user of drugs and they've been through a rehab program doesn't mean that they're automatically protected."

Employers would not be required to hire current drug users, but the regulations are somewhat ambiguous in defining an applicant who is "currently engaging" in drug use. "The term 'currently engaging' is not intended to be limited to the use of drugs on the day of, or within a matter of days or weeks before, the employment action in question," the rules say. "Rather, the provision is intended to apply to the illegal use of drugs that has occurred recently enough to indicate that the individual is engaged in such conduct." The rules are neutral on drug testing but do not bar its use because such tests are not considered "medical exams."

However, the rules do prohibit employers from subjecting applicants to medical and psychological examinations until after a conditional offer of employment is made, and prohibit employers from asking about whether an individual has a disability at the "pre-offer stage of the selection process." Said Snyder, "Until that point, you can't ask—even if a guy comes rolling in on a wheelchair or he's got glasses as thick as Coke bottles or a hearing aid or he's an amputee—you can't ask about that."

Employers may ask questions that relate to the applicant's ability to perform job-related functions. "However, these questions should not be phrased in terms of disability," the regulations say. Offers of employment may be made contingent on an applicant passing medical and psychological exams.

Snyder said the provisions on medical and psychological testing will put police agencies "in a tremendous bind" because most won't hire an applicant until physical capabilities can be assessed. "Many agencies use fitness and agility tests as part of their hiring process. Are you going to send this guy out to your training center and have them undergo some strenuous physical activity before you've had any chance to ask them about their condition?" The guy drops dead during your fitness test, then you've got a liability question."

Law enforcement agencies will also be affected by the ADA in instances where current employees sustain on-the-job injuries that result in permanent disabilities, Snyder noted. Injured officers are often placed temporarily on modified assignment, but those officers whose injuries render them permanently disabled may opt not to take a disability retirement. Under the ADA, the employer would have to accommodate their desire to stay on the job—perhaps by making the modified assignment permanent—unless they can demonstrate that the "accommodation would impose an undue hardship on the

operation of its business."

That's why it's important for law enforcement agencies to define the essential functions "within each and every position in their department," advised Snyder. "You can't tell whether or not you have to make an accommodation to a particular individual's particular disability unless you know whether or not that disability affects an essential function."

The impact of the ADA in its current form will be measurable and costly, according to Cheryl Epps, a legislative analyst for the IACP who is preparing the association's comments on the provisions. She said the provisions on medical testing will result "in law enforcement having to process a lot of people who will ultimately be disqualified," substantially increasing employment screening costs.

Snyder maintained that the rules do nothing to help public employers, including law enforcement, to "figure out how to fit this hiring process in with the Civil Service process" which is sure to cause delays in getting people on the job. It is unclear how Civil Service eligibility lists will be affected under the rules—whether candidates can be placed on the list before or after passing medical and psychological exams. "That's the box that Congress left law enforcement employers in," he said. "They just didn't think about how it was going to fit with Civil Service."

That situation points to an overall problem with the ADA, said Snyder. "In the legislative history, in the committee report that Congress put together in enacting the ADA, there's virtually no mention of law enforcement," he said. "Law enforcement" is mentioned only once, he noted, in regard to individuals with a history of illegal use of drugs. "An employer, such as a law enforcement agency, may also be able to impose a qualification standard that excludes individuals with a history of illegal use of drugs if it can show that the standard is job-related and consistent with business necessity," is the one mention appearing in the regulations.

Arthur Jefferson, of the EEOC's Office of Legal Counsel, said the EEOC has no authority to waive provisions of the act. "We are in the process of trying to see if there's some way we can reconcile the language of the statute with the concerns of the law enforcement agencies to see that their concerns are met. We're trying to balance both the rights [of the disabled] under the act and the concerns of law enforcement."

The final version of ADA regulations is due out in July.

## Green Bay cops see red over traffic tickets

### Continued from Page 7

fies officers that if they don't write tickets, such inaction might result in discipline.

Parrns said that what the letters of reprimand do not make clear is how many tickets the officers are expected to write each month. "That's the problem. What we get from management is that everybody should know what they have been doing," he said. "In terms of job performance, traffic control is about 10 percent and arrest citations are 5 percent at best. Green Bay does not have a traffic problem."

## For further information:

**Broward Sheriff's Office Organized Crime Centre**, P.O. Box 2505, Fort Lauderdale, FL 33303 (305) 492-1810

**Calibre Press**, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062-2727 (800) 323-0037

**Center for Criminal Justice**, Case Western Reserve University, Cleveland, OH 44106 (216) 368-3308.

**Community Program Innovations**, P.O. Box 2066, Danvers, MA 01923 (508) 774-0815

**Criminal Justice Center Police Academy**, Sam Houston State University, Box 2296, Huntsville, TX 77341-2296 (409) 294-1669-70

**Delinquency Control Institute**, University of Southern California, School of Public Administration, 3601 South Flower St., Los Angeles, CA 90007 (312) 743-2497

**Department of Defense Polygraph Institute**, Building 3195, Fort McClellan, AL 36205-5114 (205) 848-3336.

**Florida Crime Prevention Training Institute**, Office of Crime Prevention & Training, The Capitol, Tallahassee, FL 32399-1050 (904) 487-3712

**Institute of Criminal Justice Studies**, Southwest Texas State University, San Marcos, TX 78666-4610 (512) 245-3030.

**Institute of Police Technology & Management**, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216 (904) 646-2722

**Institute of Public Service**, 601 Broad St., S.E., Gainesville, GA 30501 1-800-235-4723

**International Association of Law Enforcement Intelligence Analysts**, Attn. Emma E. Fern, P.O. Box 52-2392, Miami, FL 33152 (305) 470-5500.

**Richard W. Kobetz & Associates Ltd.**, Arcadia Manor, Rte. 2, Box 3645, Berryville, VA 22611 (703) 955-1128

**National Crime Prevention Institute**, Shelby Campus, University of Louisville, Louisville, KY 40292 (502) 588-6987

**National Criminal Justice Computer Laboratory & Training Center**, 555 New Jersey Ave., N.W. Suite 860, Washington, DC 20001 (202) 638-4155

**National Juvenile Detention Association**, 217 Perkins, Eastern Kentucky University, Richmond, KY 40475-3127 (606) 622-6259

**New England Institute of Law Enforcement Management**, P.O. Box 57350, Babson Park, MA 02157-0350 (617) 239-7033

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60204 1-800-323-4011

**Pennsylvania State University**, Police Executive Development Institute, 102 Waring Commons, University Park, PA 16802 (814) 863-0262

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**John E. Reid & Associates Inc.**, 250 South Wacker Dr., Suite 1100, Chicago, IL 60606 (312) 876-1600

**SEARCH Group Inc.**, 7311 Greenhaven Dr., Suite 145, Sacramento, CA 95831 (916) 392-2550

**Society of Professional Investigators**, 80 Eighth Ave., Suite 303, New York, NY 10011-5104 (212) 807-5658

**Southwestern Law Enforcement Institute**, P.O. Box 8707, Richardson, TX 75083-0707 (214) 690-2370

**University of Alabama Law Enforcement Academy**, Box 870388, Tuscaloosa, AL 35487-0388 (205) 348-5831

**University of Delaware**, Law Enforcement Seminars, 2800 Pennsylvania Ave., Wilmington, DE 19806 (302) 573-4440

**University of Houston-Downtown**, Criminal Justice Center, 1 Main St., Houston, TX 77002 (713) 221-8690



## Sorting out the signals:

Two evaluations of traffic radar units say the devices meet existing standards, but LEN's continuing investigation finds few experts willing to say there's no long-term risk (and some experts challenging the standards themselves). See **Page 1**.



## A new meaning to "beat cops":



The videotaped image has been seen nationwide. Now the Justice Department has its turn scrutinizing police brutality. On 7. See also "Forum," **Page 10**.

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